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The President

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 4130 OF JANUARY 22, 1925, WITHDRAWING PUBLIC LAND FOR FISH HATCHERY

OREGON

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, Executive Order No. 4130 of January 22, 1925, withdrawing public land for use as a fish hatchery, is hereby revoked.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

January 9, 1939.

[No. 8031]

[F. R. Doc. 39-129; Filed, January 10, 1939; 2:17 p. m.]

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3528]

IN THE MATTER OF AMERICAN TOY WORKS

SEC. 3.6 (cc) 4) *Advertising falsely or misleadingly—Source or origin—Place.* Representing that any of respondent's toys made in Japan or in any other foreign country are made in the United States, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, American Toy Works, Docket 3528, December 30, 1938]

SEC. 3.6 (a) 22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Manufacturer:*

Sec. 3.96 (b) 5) *Using misleading name—Vendor—Producer or laboratory status of dealer.* Representing, in connection with the sale, etc., of toys, etc., through use of trade name American Toy Works, or in any other manner, or through any other means or device, that respondent is a toy manufacturer, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, American Toy Works, Docket 3528, December 30, 1938]

SEC. 3.66 (j) *Misbranding or mislabeling—Quantity.* Representing, in connection with offer, sale and distribution of toys in interstate commerce or in District of Columbia, that the boxes of crayons sold, etc., by respondent contain any definite number of crayons other than the number actually so contained therein, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, American Toy Works, Docket 3528, December 30, 1938]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

IN THE MATTER OF ADOLPH WEIN, TRADING AS AMERICAN TOY WORKS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts

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and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Adolph Wein, trading as American Toy Works, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of toys in interstate commerce

and in the District of Columbia, do forthwith cease and desist from, directly or indirectly:

1. Representing that any of said toys made in Japan or in any other foreign country are made in the United States.

2. Representing, through use of such trade name American Toy Works, or in any other manner or through any other means or device, that respondent is a manufacturer of toys.

3. Representing that the boxes of crayons sold and distributed by respondent contain any definite number of crayons other than the number actually so contained in said boxes.

It is further ordered, That the respondent shall within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

C. G. DUGANNE,
Acting Secretary.

[F. R. Doc. 39-135; Filed, January 11, 1939; 10:48 a. m.]

TITLE 26—INTERNAL REVENUE

U. S. PROCESSING TAX BOARD OF REVIEW

RULE RELATIVE TO COSTS AND FEES FOR TRANSCRIPTS OF HEARINGS

In pursuance of Section 906 (f), Title VII, Revenue Act of 1936, authorizing this Board to draw up a Table of Costs and Fees relating to its hearings and the preparation of transcripts of record thereof, the following costs and fees are imposed, except in the case of the Commissioner of Internal Revenue:

For making a copy of any record, entry, transcript of record on appeal, or other paper, by photostating or otherwise, and for the comparison thereof, 15 cents for each folio of one hundred words.

For comparing any transcript, copy of record, or other paper not made by the Board with the original thereof, 5 cents for each folio of one hundred words.

For each certification 50 cents.

By direction of the Board.

[SEAL]

WILLIAM SCHWARTZ,
Acting Chairman.

Approved January 9, 1939.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 39-142; Filed, January 11, 1939; 12:09 p. m.]

TITLE 29—LABOR

CHILDREN'S BUREAU

[Regulation No. 3-B]

CHILD LABOR REGULATIONS

EXTENSION OF TEMPORARY REGULATION FOR EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE

JANUARY 10, 1939.

Authority for regulation

SEC. 3 (1) OF THE ACT

* * * The Chief of the Children's Bureau shall provide by regulation or by order that the employment of employees between the ages of fourteen and sixteen years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor if and to the extent that the Chief of the Children's Bureau determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being.

Whereas a temporary regulation for the employment of minors between 14 and 16 years of age designated as Temporary Regulation No. 3 was issued by the Chief of the Children's Bureau October 21, 1938, pursuant to the authority conferred by Section 3 (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060) and amended by Regulation designated as Regulation No. 3-A issued November 3, 1938, pursuant to the same authority, and whereas a public hearing is to be held on February 15, 1939 with respect to a proposed regulation for the employment of minors of such ages for the purpose of affording all interested parties an opportunity to be heard prior to the adoption and issuance of the said regulation, the following regulation is hereby issued for the purpose of extending Temporary Regulation No. 3 as amended by Regulation No. 3-A for the period of 90 days until April 24, 1939.

Regulation

Child Labor Regulation No. 3 issued October 21, 1938 entitled "Temporary Regulation for Employment of Minors Between 14 and 16 Years of Age"¹ as amended by Child Labor Regulation No. 3-A issued November 3, 1938 entitled "Amendment to Temporary Regulation for Employment of Minors Between 14 and 16 Years of Age"² is hereby extended for a period of 90 days, that is, until April 24, 1939.

[SEAL] KATHARINE F. LENROOT,
Chief.

[F. R. Doc. 39-140; Filed, January 11, 1939; 11:36 a. m.]

¹ 3 F. R. 2532 DI.

² 3 F. R. 2627 DI.

TITLE 30—MINERAL RESOURCES
NATIONAL BITUMINOUS COAL
COMMISSION

[General Docket No. 15]

ORDER IN THE MATTER OF THE ESTABLISH-
MENT OF MINIMUM PRICES AND MAR-
KETING RULES AND REGULATIONS

PROPOSALS OF MINIMUM PRICES SUBMITTED
BY THE DISTRICT BOARDS FOR DISTRICTS
NOS. 3 AND 13

At a session of the National Bituminous Coal Commission held at its offices in Washington, D. C. on the 6th day of January, 1939.

The Commission, on the 25th day of May, 1938, having instituted the within proceedings entitled "In the matter of the Establishment of Minimum Prices and Marketing Rules and Regulations, General Docket No. 15," for the purpose of carrying out the provisions of subsections (a) and (b) of Section 4, Part II of the Bituminous Coal Act of 1937, and thereafter, upon the 10th day of August, 1938 and the 19th day of August, 1938, after notice¹ and hearing, having determined² the weighted average cost, as provided in Section 4, II, (a) of the Act, for Minimum Price Areas Nos. 1 and 3, respectively, did on the 11th day of August, 1938, by Order No. 247,³ and on the 20th day of August, 1938, by Order No. 249,⁴ direct the District Boards for Districts Nos. 3 and 13, respectively, to propose minimum prices in conformity with the provisions of Section 4, II, (a) of the Act, and in accordance with the rules and regulations prescribed by said Orders Nos. 247 and 249, and

Each of said District Boards having, thereafter, proposed such minimum prices, the Commission, by its Order entered in this proceeding on September 19, 1938,⁵ directed that a hearing on the proposals submitted by District Board No. 3 be held in the Hearing Room of the Commission, 15th and Eye Streets NW., Washington, D. C., commencing on the 10th day of October, 1938, at 10 o'clock A. M., and by Order for and Notice of Hearing dated October 11, 1938, by Notice of Postponement of Hearing dated October 21, 1938, and Notice of Further Postponement dated October 29, 1938,⁶ directed that a hearing on the proposals submitted by District No. 13 be held in the Hearing Room of the Commission, 15th and Eye Streets NW., Washington, D. C., commencing on the 9th day of November, 1938, at 10 o'clock A. M., for the purpose of receiving evi-

dence relating to said proposals to enable the Commission to approve such proposed minimum prices, or to enable the Commission to modify such proposed minimum prices, so as to conform them to the requirements of Section 4, II, (a) of the Act, in order that such proposed minimum prices, as approved, or modified, as the case may be, may serve as the basis for the coordination, as provided by Section 4, II, (b) of the Act, and

Reasonable public notice thereof having been given, said hearings were commenced at the time and place stated, and concluded on the 10th day of November, 1938, at which hearings all interested parties were afforded full opportunity to be heard, and

The evidence being adduced, and the Commission being fully advised in the premises, and upon consideration thereof, the Commission made Findings of Fact and Conclusions relating to the proposals of minimum prices submitted by the District Boards for Districts Nos. 3 and 13, respectively, which Findings of Fact and Conclusions are on file in the Office of the Secretary of the Commission at Washington, D. C., and by this reference are incorporated herein and made a part hereof, and

Included in the said Findings of Fact and Conclusions relating to each of the aforesaid Districts is an appendix entitled "Schedule of Minimum Prices as modified and approved to serve as a basis for Coordination," which schedule embraces all modifications which the Commission determined to be necessary to conform the proposals of the respective Districts to the requirements of Section 4, II, (a) of the Act, and which the Commission has determined to be the proper basis to be used by the respective Districts for the coordination provided for in Section 4, II, (b) of the Act,

Now, Therefore, Pursuant to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission orders and directs:

1. That in the coordination of minimum prices, as provided by Section 4, II, (b) of the Act, to be hereafter directed by subsequent Order of the Commission, the District Boards for Districts Nos. 3 and 13 will take, as a basis thereof, the schedules as approved herein and set out opposite their respective names as follows:

District No. 3.—Appendix to the Findings for District No. 3, as above referred to, entitled "Schedule of Minimum Prices as Modified and Approved to Serve as a Basis for Coordination."

District No. 13.—Appendix to the Findings for District No. 13, as above referred to, entitled "Schedule of Minimum Prices as Modified and Approved to Serve as a Basis for Coordination."

2. The Secretary of the Commission be and he is hereby directed to cause a copy

of this Order, together with Findings of Fact and Conclusions, including the Appendices thereto, for Districts Nos. 3 and 13 to be published forthwith in the FEDERAL REGISTER, and to cause a copy of this Order and Findings of Fact and Conclusions for each of the aforesaid Districts, to be mailed to the Consumers' Counsel, to the Secretary of each District Board, to all interested parties who have entered their appearances in the hearing relating to said proposals, and to make copies of this Order and Findings of Fact, including the appendices thereto, available for inspection by interested parties at the Office of the Secretary of the Commission, Washington, D. C., and at the office of each Statistical Bureau of the Commission.

By order of the Commission.

Dated this 6th day of January, 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

MINIMUM PRICE AREA No. 1—DISTRICT
No. 3

PROPOSED MINIMUM PRICES

District Board No. 3 prepared and adopted, on August 16, 1938, a tentative schedule of proposed minimum prices, which was, in its best judgment, a compliance with Commission's Order No. 247. It then transmitted a copy of this tentative schedule to each code member within the District. Twenty-six protests were received to this schedule of proposed minimum prices. Thereafter, the District Board held meetings, at which time all the original protests were heard and considered by the District Board, and such modifications as were deemed proper by the District Board were allowed.

On August 31, 1938, a revised schedule of proposed minimum prices was adopted by the District Board, embodying such modifications and corrections as were deemed proper. It then transmitted a copy of the revised schedule of proposed minimum prices to each code member within the District. A copy of the revised proposed schedule of minimum prices, together with the data upon which it was computed, was filed with the Commission, which schedule was received in evidence as Exhibit No. 325.

The evidence shows that, of the twenty-six original protests filed, the District Board denied fifteen, granted five in full, granted four in part, and two were withdrawn.

Testimony in support of the minimum prices proposed by District No. 3 was adduced by an expert witness, to wit: the executive secretary of the District Board, who was thoroughly familiar with the marketing and distribution of coals in District No. 3. His knowledge of the coals in the District was based upon years of experience in the District.

¹ 3 F. R. 1457 DI.

² 3 F. R. 1987 DI.

³ 3 F. R. 1980 DI.

⁴ 3 F. R. 2057 DI.

⁵ 3 F. R. 2281 DI.

⁶ 3 F. R. 2597 DI.

It appears that the District Board consists of seventeen members who, with the exception of the labor member, have had many years of experience in the producing of coals within District No. 3, and are thoroughly representative of all the coals of that District. They are men who, by reason of their intimate knowledge of those coals, are fully conversant with the price relationships that should exist between the various kinds, qualities and sizes of coal.

The evidence shows that District Board No. 3, prior to receiving Order No. 247, had its Classification Committee, consisting of three members, make a thorough study and file a report on the various kinds, qualities and sizes of coal produced in District No. 3. This report was not entirely satisfactory to the District Board, and the District Board thereafter increased the number of this Committee and changed the name of the Committee to the Classification and Price Proposal Committee. It instructed this Committee to again make a thorough study of the kinds, qualities and sizes of coal produced in District No. 3 and to propose suitable classifications and prices for those coals.

It appears that the Classification and Price Proposal Committee of District No. 3 consists of eleven members, nine of whom were members of the District Board, one of whom was a representative of a smaller seam of coal, and the other member was the Secretary of the District Board who appeared as an expert witness. The expert witness and the other members of the Classification and Price Proposal Committee prepared the schedule of proposed prices which was adopted by the District Board.

It appears from the evidence that the members of District Board No. 3 produced, during the calendar year 1937, 14,729,115 tons of coal, or 67.9 per cent of the entire production of the commercial mines in the District. The members of the Classification and Price Proposal Committee, during the year 1937, produced 8,748,385 tons, or 40.3 per cent of the entire commercial tonnage of the District. The evidence shows that, during the year 1937, District No. 3 produced approximately 23,904,000 tons. Of this amount 21,918,877 tons were commercial coal, and the remainder, 1,985,123 tons, did not enter the commercial markets, but was produced and consumed by the same company or by subsidiary companies.

The evidence further shows that the commercial coal sold in District No. 3 is used for almost every purpose, but the predominant portion of the tonnage of rail mines, approximately 43 per cent, amounting to approximately 8,500,000 tons, is sold for railroad fuel. Eliminating the so-called captive tonnage and the tonnage sold to railroads for fuel, there remains a balance of 13,418,877 tons. As shown in Exhibit No. 329, District Board No. 3 broke down the balance

of this commercial tonnage and subdivided it into the following groups:

"Railroad locomotive fuel," "By-product coal," "River and Ex-River coal," "Tidewater coal," and "Straight commercial coal."

Exhibit No. 329 and the evidence in the record pertinent thereto show that there are certain well-defined tonnages produced within the District which are competitive only between small groups of producers, and the term "general commercial and domestic all-rail," shown on page 2 of the Exhibit, shows that resultant tonnage of 7,415,772, which is believed by the District Board to be the only tonnage generally competitive in the District.

The evidence shows that District No. 3 shipped coal into the following consuming areas:

Connecticut, Delaware, Indiana, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Virginia, Vermont, West Virginia, Wisconsin, District of Columbia, and Dominion of Canada.

In classifying coal of the various kinds, qualities and sizes, District Board No. 3 did not break down the District into sub-Districts, but classified the coals from the various seams of coal produced in the District. In making this classification the District Board provided classifications for every size of commercial coal from every mine. However, it appears from the evidence that all the mines do not make and market all of the sizes listed in the schedule. The District Board considered this fact, and decided it was better to propose a classification of price for every size from every mine, so that any of the code members might provide screening facilities to produce and ship the same size of coal as any other code member. The District Board knew the seam of coal in which each mine operates, the chemical and physical qualities of the various coals, and the general relationship to other mines that do make all sizes. In proposing classifications of certain sizes from certain mines where such sizes are not now being produced, the Board used the same classifications applicable from similar mines where such sizes are produced.

It appears that the preponderant tonnage in District No. 3 originates from mines operating in the Pittsburgh seam, and the coals in that seam were used as a base, and all coals in other seams were classified above or below the base of the Pittsburgh seam mines. The Pittsburgh seam has five separate groups of mines, each group having a different quality of coal. The preponderant and base group is the "F" classification, generally known as the Pittsburgh seam high sulphur group. The "E" classifica-

tion represents mines which, in the opinion of the Board and the expert witness, produce somewhat better grade of Pittsburgh seam coal than the average of the seam, but not as good a coal as the coals known as low sulphur which the District Board classified as "D" coal. The line of demarcation between "D" and "E" classification was set as a sulphur content of 1.35 per cent. On the other hand, there were a few mines whose high sulphur content, moisture, high ash, low fusion and physical qualities mark them, in the judgment of the District Board, inferior coals, and the Board placed them in classifications "G" and "H."

In classifying these coals the District Board used the letters "A" to "K," inclusive, "A" representing the highest quality of coal and "B" the next highest quality, and the other letters in their order representing the lower qualities of coal.

Each group of mines operating in the different separate seams of coal was considered as a group and individually by the District Board in arriving at all the other classifications.

District Board No. 3, in its schedule of proposed prices, sets up seven size groups, as shown in Exhibit No. 325. They are designated as follows: S-1, S-2, S-3, S-4, S-5, S-6 and S-7. Size groups S-1 to S-5, inclusive, cover commercial coal only. Size groups S-6 and S-7 cover locomotive fuel only. These size groups were determined by the Board based on the past experience of the members in meeting consumers' demand over a long period of years, and the evidence shows that these size groups were desirable as a matter of flexibility in mine operations.

It appears from the evidence that District Board No. 3 used as a basis, to establish the proposed f. o. b. mine prices set forth in the schedule, coal as it comes from the mine, or "mine-run coal." Using the mine-run coal, size group S-2, of the Pittsburgh seam as a starting point, the District Board determined a price for this coal, and built the other classifications and price differentials upon this price base. The prices proposed for the various kinds, qualities and sizes of coal above or below the price of size group S-2 of the Pittsburgh seam, were arrived at by taking into consideration the kinds and qualities of each coal in each of the sizes prepared in each seam, applying thereto the standard differentials which had been recognized and accepted in the most part for many years. In making these determinations the District Board took into consideration the analyses of the coal, appearance, structure, qualities, past history, consumers' acceptance and marketability as based upon their knowledge of these coals from past experience of many years.

The evidence shows that no percentage of weight was given to any single factor, but the classification set out in the schedule represents the composite views

of the Board, considering all factors based on the past experience of the members of the Board and their sales organizations in selling those coals.

The proposed price schedules do not show any variations as to seasonal demand. It was the belief of the District Board that the proposed minimum prices represent an equitable level for the entire twelve-months' period, and the Board was opposed to so-called seasonal prices. The only price variation occasioned by value as to uses, is in connection with the proposed price for railroad fuel.

It appears from the evidence that District Board No. 3 ascertained the total tonnage of the coal produced in the year 1937. As shown in Exhibit No. 382 and in the evidence given in support of same, the District Board computed the total realization that would be derived from the sale of the tonnage of the various kinds, qualities and sizes of coal that were known to have been sold in the year 1937, at the prices proposed in the schedule. This realization as shown in the Exhibit yields an average weighted cost of \$2.07 per net ton, which amount was determined by the Board to equal, as nearly as may be, the average weighted cost of Minimum Price Area No. 1, which had previously been determined by the Commission to be \$2.1500 per ton.

An examination of Exhibit No. 325 discloses that the form used by District Board No. 3 is not in all respects uniform within their schedule, and, in order to clarify and make uniform this Exhibit, the Commission finds that the following changes should be made:

Page 4 of Exhibit No. 325, under *Size Groups*, the lines reading as follows should be deleted:

"S-2. All resultants with a top size of over 1 1/4"; straight mine run; all resultants, modified resultants, or modified mine runs with no size removed having a bottom size of 3/8" or under, (except as provided in Price Exceptions). Any lump over 2' crushed to 7" or under with no rescreening,"

and insert in lieu thereof the following language:

"S-2. All resultants with a top size of over 1 1/4"; straight mine run; all resultants, modified resultants, or modified mine runs with no size removed having a bottom size of 3/8" or under, (except as provided in Price Instructions and Exceptions)."

Page 4 of Exhibit No. 325, under *Size Groups*, the lines reading as follows should be deleted:

"S-3. All coal with top size not over 1 1/4", no fines to be removed,"

and insert in lieu thereof the following language:

"S-3. All coal with top size not over 1 1/4" (no fines to be removed except as provided in Price Instructions and Exceptions)."

Page 4 of Exhibit No. 325, under *Size Groups*, the lines reading as follows should be deleted:

"S-4. All coal with top size not over 3/4", no fines to be removed,"

and insert in lieu thereof the following language:

"S-4. All coal with a top size not over 3/4" (no fines to be removed except as provided in Price Instructions and Exceptions)."

Page 4 of Exhibit No. 325, under *Size Groups*, the lines reading as follows should be deleted:

"S-5. All coal with top size not over 3/8", no fines to be removed,"

and insert in lieu thereof the following language:

"S-5. All coal with top size not over 3/8" (no fines to be removed except as provided in Price Instructions and Exceptions)."

Page 4 of Exhibit No. 325, under *Size Groups*, the lines reading as follows should be deleted:

"S-6. Locomotive fuel, straight mine run, (no fines removed except as provided in Price Exceptions) and any size slack",

and insert in lieu thereof the following language:

"S-6. Locomotive fuel, straight mine run, (no fines removed except as provided in Price Instructions and Exceptions), and any size slack."

Page 4 of Exhibit No. 325, under *Size Groups*, the lines reading as follows should be deleted:

"S-7. Locomotive fuel, screened and sized, or modified mine run, (except as provided in Price Exceptions),"

and insert in lieu thereof the following language:

"S-7. Locomotive fuel, screened and sized, or modified mine run, (except as provided in Price Instructions and Exceptions)."

Page 4 of Exhibit No. 325, under *Examples*, the lines reading as follows should be deleted:

"S-6. Straight mine run, no fines removed (except as provided in Price Exceptions and any size slack",

and insert in lieu thereof the following language:

"S-6. Straight mine run, no fines removed (except as provided in Price Instructions and Exceptions) and any size slack."

Page 4 of Exhibit No. 325, under *Examples*, the lines reading as follows should be deleted:

"S-7. Any size lump or double screened coal over 3/8" bottom size, or mine run

with any slack removed (except as provided in Price Exceptions),"

and insert in lieu thereof the following language:

"S-7. Any size lump or double screened coal over 3/8" bottom size, or mine run with any slack removed (except as provided in Price Instructions and Exceptions)."

The Commission finds from the evidence that on Page 3 of Exhibit No. 325, the word "all" should be deleted from the introductory statement which reads as follows:

"The market areas to which coal produced in District No. 3 ordinarily moves include all destinations in the States of:"

The Commission finds from the evidence that the words "round hole" which appears in the second sentence of Item 3, Page 15 of Exhibit No. 325, should be deleted, so that said item will read as follows:

"3. All size designations herein are for round hole screens. When other types of screens are used the equivalent shall control the size".

The Commission finds that Item 6, Page 15 of Exhibit No. 325, reading as follows, should be deleted:

"6. When double screened coal is subjected to any chemical, oil, or waxing process, the classification rank will be two letters preceding that for coal not subjected to such treatment. (E. g., high sulphur Pittsburgh seam pea coal takes 'F' classification. If subjected to any chemical, oil or waxing process, the classification would be 'D' class)",

and insert in lieu thereof the following language:

"6. When coal is subjected to any chemical, oil or wax process an additional charge of not less than 10¢ per net ton shall be made. This does not apply to chemicals placed in the bottom of hopper cars to prevent freezing."

The Commission finds from the evidence that Item 8, Page 15 of Exhibit No. 325, reading as follows, should be deleted:

"8. In order to hold business previously enjoyed, machine cuttings of the Stanley Coal Company from its Banner No. 1 Mine may be priced at \$1.10 per net ton, f. o. b. mine, for shipment into Market Area No. 2, and all invoices shall designate this coal to be low grade machine cuttings",

and insert in lieu thereof the following language:

"8. Machine cuttings of the Stanley Coal Company from its Banner No. 1 Mine shall be priced at \$1.10 per net ton, f. o. b. mine. All invoices shall designate this coal to be low grade machine cuttings."

The Commission finds from the evidence that *Item 9, Page 15 of Exhibit No. 325*, which reads as follows, should be deleted:

"9. *Crushed coal*.—Crushing of coal is permitted at any mine in District No. 3, with the understanding that the size of the crushed coal loaded into transportation facilities at the mine shall determine the price to be charged for such crushed coal",

and insert in lieu thereof the following language:

"9. *Crushed Coal*.—Crushing of coal is permitted at any mine in District No. 3 with the understanding that the size and quality of the crushed coal loaded into transportation facilities at the mines shall determine the price to be charged for such crushed coal".

The Commission finds from the evidence that *Item 10, Page 15 of Exhibit No. 325*, which reads as follows, should be deleted:

"10. River, Ex-River, Lake Cargo, Vessel Fuel, Tidewater Bunker and By-Product prices will be the same as all other commercial prices pending coordination",

and insert in lieu thereof the following language:

"10. River, Ex-River, Lake Cargo, Vessel Fuel, Tidewater Bunker and By-Product prices will be the same as all other commercial prices".

The Commission finds that, in order to clarify the record, *Item 11, Page 15 of Exhibit No. 325*, which reads as follows, should be deleted:

"11. Railroad fuel for movement through eastern tidewater ports shall take the same prices applying on all-rail locomotive fuel for the size ordered and shipped",

and insert in lieu thereof the following language:

"11. Railroad locomotive fuel for movement through eastern tidewater ports shall take the same prices applying on all-railroad locomotive fuel for the size ordered and shipped".

The Commission finds from the evidence that *Item 12, Page 15 of Exhibit No. 325*, which reads as follows, should be deleted:

"12. Where mines have a dual classification such as 'DE', the 'D' classification shall apply to all coal having a sulphur content of 1.35% or under, and the 'E' classification shall apply to all coal having a sulphur content of 1.36% and over, except as specifically shown",

and insert in lieu thereof the following language:

"12. Where mines are classified 'DE' or 'DF', the 'D' classification shall apply to all coals (Size Groups S-1 to S-5, inclusive) having a sulphur content of 1.35% or under, irrespective of the use

for which they are sold. Coals having a sulphur content in excess of 1.35% shall be classified 'E' in Size Groups S-1 and S-2, and 'F' in Size Groups S-3, S-4 and S-5".

The foregoing changes in Item 12 are necessary because it appears from the evidence that coals of certain sizes from the Pittsburgh seam, having a low sulphur content, are acceptable in whole or in part for special purpose uses, and that the coals of a higher sulphur content are not acceptable for these same special uses. The evidence is somewhat conflicting as to how low the sulphur content must be before these coals have the special purpose use. However, from the evidence it appears that 1.35 per cent is a reasonable line of demarcation between the high and low sulphur coals.

The evidence shows that the District Board established an "E" classification so that an equitable relationship would exist between the coals produced in certain mines in the Pittsburgh seam with a sulphur content in excess of 1.35 per cent, not as good coal as that classified "D," but better than the average coal of the "F" classification.

The Commission finds from the evidence that *Page 16 of Exhibit No. 325* should be amended so as to add thereto Items 17, 18, 19, 20 and 21, reading as follows:

"17. If any fines are removed from Size Group S-3, the S-1 Size Group price will apply.

"18. If any fines are removed from Size Group S-4, the S-1 Size Group price will apply.

"19. If any fines are removed from Size Group S-5, the S-4 Size Group price will apply.

"20. Where the symbol '#' appears after the letter 'F' classification under Size Group S-1, it means that the 'F' classification shall apply only to the lump and egg coals of this size, and that all other coals under Size Group S-1 shall be classified as 'G' coals.

"21. Where the symbol '%' appears after the letter 'J' classification under

Size Group S-1, it means that all the coals under this Size Group shall be classified as 'J', with the exception of $\frac{3}{8}$ " x $\frac{1}{4}$ " coal, which shall be classified as 'K' coal."

As is shown by the record, the Canyon Coal and Coke Company filed a protest before the Commission. The nature of the protest was to the effect that all coals produced in protestant's Canyon Mine should be given a differential of ten cents per ton on all grades and sizes of coal below Pittsburgh seam "F" classification. The protestant contended in its testimony that it should have fifteen cents per ton differential below "F" classification on all sizes. Later the protestant asked that all grades and sizes of coal produced in Canyon Mine be given the same price as that provided for the Sewickley seam.

The evidence shows that the coal produced in the mine in question differs in grade and quality from the prevailing other coals produced in the same seam within District No. 3. It has an undulating character and possesses more impurities and extraneous matters than is contained in most coals produced in this seam. It appears from the evidence that these impurities can be removed from the lump and egg size coal, but that it is difficult to remove them from the smaller sizes. The evidence shows that, with the exception of lump and egg size, it is difficult to clean and sell the smaller sizes produced in Size Group S-1. Under prior regulated prices, a differential of five cents per ton was granted on mine run coal, and a ten cent per ton differential was granted on the smaller size slack. The evidence shows that these prior differentials proved to be inadequate, but were of assistance.

The Commission finds that the protestant should have a five cent differential on coals in Size Group S-1, except on lump and egg coal.

The Commission finds from the evidence that the portion of *Page 6 of Exhibit No. 325* which reads as follows, should be deleted:

	Mine	Seam	Size group						
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
Canyon Coal & Coke Co.....	Canyon.....	Pittsburgh.....	F	F	F	F	F	F	F

and insert in lieu thereof the following language:

	Mine	Seam	Size group						
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
Canyon Coal & Coke Co.....	Canyon.....	Pittsburgh.....	F#	G	H	H	H	F	F

The Commission finds that the evidence of the protestant is insufficient to justify any change on railroad locomotive fuel, Size Groups S-6 and S-7, and that part of the protest is denied.

As is disclosed by the record, the Fairmont & Baltimore Coal & Coke Co. filed a protest with the Commission, in which it claimed that all the coals that it produced in its Willard Mine should be classified and priced as "F" coal.

The District Board in its proposed schedule of minimum prices (Exhibit No. 325), classified Size Groups S-1 to S-5, inclusive, as "E," and Size Groups S-6 and S-7 as "F."

It appears from the evidence that the District Board provided an "E" classification in its schedule in order to place in a fair competitive position those mines having a sulphur content in excess of 1.35 per cent sulphur, but which in the opinion of the District Board produced a somewhat better grade of Pittsburgh seam coal than mines that were classified "F." It is recognized that the "E" coal is generally not as good in value as the coal known as the low sulphur coal

and classified as "D." It appears from the evidence that the "E" grade coal, such as produced in the Willard mine of the protestant, has an advantage over the "F" grade coals when it comes to Sizes S-1 and S-2, but from a standpoint of marketing the slack sizes (Size Groups S-3, S-4 and S-5), if the sulphur content is over 1.35 per cent and, consequently, the coal is not classified as "D," it has lost its value to command a higher price than the corresponding size of coals in the "F" classification.

The Commission finds from the evidence that the portion of Page 7 of Exhibit No. 325, reading as follows, should be deleted:

Fairmont Coal & Coke Co.....	Mine	Seam							
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
	Willard.....	Pittsburgh.....	E	E	E	E	E	F	F

and insert in lieu thereof the following language:

Fairmont Coal & Coke Co.....	Mine	Seam							
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
	Willard.....	Pittsburgh.....	E	E	F	F	F	F	F

The Consolidation Coal Company filed with the Commission a protest on the proposed prices and classifications of their Mine No. 32. It appears from Exhibit No. 325 that the District Board classified Size Groups S-1 to S-5, inclusive, as "E," and classified Size Groups S-6 and S-7 as "F." The protestant claims that each of the Size Groups produced in Mine No. 32 should be classified as "F."

The Commission finds from the evidence that the portion of Page 6 of Exhibit 325, reading as follows, should be deleted:

Consolidation Coal Co.....	Mine	Seam							
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
	Consol. 32.....	Pittsburgh.....	E	E	E	E	E	F	F

and insert in lieu thereof the following language:

Consolidation Coal Co.....	Mine	Seam							
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
	Consol. 32.....	Pittsburgh.....	E	E	F	F	F	F	F

It appears from the schedule of proposed prices (Exhibit No. 325 that the Bethlehem Fairmount Coal Co. Scott No. 2 Mine, the Jones Collieries, Inc., Rachel Mine, and the Virginia & Pittsburgh Coal & Coke Company Kingmont Mine, were classified on the same basis with the Willard Mine of the Fairmont & Baltimore Coal Co. and Consolidation No. 32 Mine of the Consolidation Coal Co. Inasmuch as the classification has been changed on Size Groups S-3, S-4 and S-5 of the last two named mines, in order to maintain a relative, fair, competitive opportunity between these five companies it will be necessary to make the same change in respect to Scott No. 2 Mine of the Bethlehem Fairmount Coal Co., the Rachel Mine of the Jones Collieries, Inc., and the Kingmont Mine of the Virginia & Pittsburgh Coal & Coke Company.

The Commission finds that the portion of Page 5 of Exhibit No. 325, reading as follows, should be deleted:

Bethlehem Fairmount Coal Co.....	Mine	Seam							
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
	Scott No. 2.....	Pittsburgh.....	E	E	E	E	E	F	F

and insert in lieu thereof the following language:

Bethlehem Fairmount Coal Co.....	Mine	Seam							
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
	Scott No. 2.....	Pittsburgh.....	E	E	F	F	F	F	F

The Commission finds that the portion of Page 9 of Exhibit No. 325, reading as follows, should be deleted:

Jones Collieries, Inc.....	Mine	Seam							
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
	Rachel.....	Pittsburgh.....	E	E	E	E	E	F	F

and insert in lieu thereof the following language:

Jones Collieries, Inc.....	Mine	Seam							
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
	Rachel.....	Pittsburgh.....	E	E	F	F	F	F	F

The Commission finds that the portion of Page 14 of Exhibit No. 325, reading as follows, should be deleted:

Virginia & Pittsburgh Coal & Coke Co.....	Mine	Seam							
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
	Kingmont.....	Pittsburgh.....	E	E	E	E	E	F	F

and insert in lieu thereof the following language:

Virginia & Pittsburgh Coal & Coke Co.....	Mine	Seam							
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
	Kingmont.....	Pittsburgh.....	E	E	F	F	F	F	F

A protest was filed before the Commission by the Davis-Wilson Coal Co. for their Bunker Mine, the nature of the protest is substance being as follows:

1. A demand that a recognized classification be established for coal screened to a size $\frac{3}{8}$ x $\frac{3}{4}$ inch.
2. That a price 15¢ per ton higher than the price for $\frac{3}{4}$ inch slack be established therefor.
3. Protestants objected to the failure of the District Board to propose a differential between low sulphur Pittsburgh coal and unwashed Sewickley coal, and to failure to propose a differential between washed high sulphur Pittsburgh coal and unwashed Sewickley coal.
4. Protestants objected because the District Board failed to propose a differential between washed and unwashed Sewickley coal.
5. Protestants objected to the failure of the District Board to provide specific rules concerning mixing of washed and

unwashed coals, and also its failure to propose rules and regulations to prevent the allowance of more than one commission or discount in connection with the sale and distribution of coal.

It appears from the evidence pertaining to the objections of the protestants that, with one exception, they should all be denied, as the evidence is insufficient to overcome the evidence submitted by the District Board, and, therefore, does not warrant making the changes. However, it does appear from the evidence that the quality of the $\frac{3}{8}$ x $\frac{3}{4}$ coal produced by the protestants in its Bunker Mine is not as good in value as that of comparable mines produced by other Sewickley seam operators in District No. 3, and, therefore, that the protestant is entitled to a differential on this coal under Size Group S-1.

The Commission finds from the evidence that the portion of Page 7 of Exhibit No. 325, reading as follows, should be deleted:

Davis-Wilson Coal Co.	Mine	Bunker	Sewickley						
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
			J	J	J	J	K	H	H

and insert in lieu thereof the following language:

Davis-Wilson Coal Co.	Mine	Bunker	Sewickley						
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
			J	J	J	J	J	H	H

A joint protest was filed with the Commission by the following companies:

- Preston County Coke Co.; Cascade Mine and Hawley #1 Mine.
Houck Reidler Bros. Coal Mining Co.; Louisville Mine.
L. H. & J. W. Borgman, Inc.; Monitor Mine #1.
M. P. Blake Coal Co.; Blake Mine.
Ruthbell Coal Co.; Deep Hollow Mine.
Borgman Coal Co.; Borgman #1 Mine and Borgman #6 Mine.
B. J. McDermott; Miller #1 Mine and Miller #3 Mine.

the nature of the protests being as follows:

1. The protestants objected to the proposed differential of 15 cents per ton between the base low sulphur Pittsburgh coal and medium volatile Freeport coal, the latter being produced by the protestants, and contended that the differential should be at least 25 cents per ton.

2. The protestants objected to the proposed differential of 5 cents per ton between low volatile Kittanning coal and medium volatile Freeport coal, and contended that the differential should be at least 15 cents per ton.

3. The protestants objected to the fact that no differential was proposed

between high volatile Kittanning coal and medium volatile Freeport coal, and contended that there should be a differential of at least 10 cents per ton.

In addition to these objections, the Houck Reidler Bros. Coal Mining Co. objected to the classification and differentials proposed between certain seams and mines as applied to the Size Group for their Louisville mine.

It appears from the evidence that the protests, as set out in paragraphs 1, 2 and 3 of the Preston County Coke Co. and others, deal mainly with differentials in transportation charges. This being the state of the record, it appears that these special differentials are not proper differentials to be considered in this hearing, but are such differentials as should be considered in accordance with Section 4, Part II (b), of the Act, under Coordination.

With regard to the additional objections, such as are raised in the protest of the Houck Reidler Bros. Coal Mining Co., concerning the classification and differentials between the seams and mines and Size Groups of coal produced by this mine, it appears from the record that the evidence is insufficient to overcome the

evidence submitted by the District Board, and, therefore, does not warrant making any changes in the proposed schedule of minimum prices submitted by the District Board. Therefore, the joint protests of the Preston County Coke Company and others are, in all things, denied. The Koppers Coal Company filed a protest with the Commission for its Federal No. 1 Mine.

It appears from the proposed schedule of minimum prices (Exhibit No. 325) that the District Board classified the coals from this mine as follows:

Size Groups S-1 to S-5, inclusive, as "DE", and
Size Groups S-6 and S-7 as "F".

The protestant contends that Size Groups S-1 to S-5, inclusive, should be classified as "DE".

It appears from the evidence that the protest, as far as it affects Size Groups S-3 to S-5, inclusive, should be granted, and that the remainder of the protest should be denied.

The Commission finds from the evidence that the portion of Page 9 of Exhibit No. 325, reading as follows, should be deleted:

Koppers Coal Co., The	Mine	Federal No. 1	Pittsburgh						
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
			DE	DE	DE	DE	DE	F	F

and insert in lieu thereof the following language:

Koppers Coal Co., The	Mine	Federal No. 1	Pittsburgh						
			S-1	S-2	S-3	S-4	S-5	S-6	S-7
			DE	DE	DE	DE	DE	F	F

The Jamison Coal and Coke Company filed a protest with the Commission for their Mines Nos. 8 and 9.

Exhibit No. 325 shows that the District Board classified the coals from these mines as follows:

Size Groups S-1 to S-5, inclusive, as "DE", and
Size Groups S-6 and S-7 as "F".

The protestant contends that said mines should be so classified as to maintain

the competitive position as hereto established, and that the Price Instructions and Exceptions Item No. 12 should be amended so as to read:

"Where mines have a dual classification such as 'DE', the 'D' classification shall apply to all coal having a sulphur content of 1.35 per cent or under, when required or specified by the purchaser, and the 'E' classification shall apply to all other coal sold from mines having

The Commission finds from the evidence that the portion of Page 6 of Exhibit No. 325, reading as follows, should be deleted:

	Mine	S-1	S-2	S-3	S-4	S-5	S-6	S-7
Consolidation Coal Co.	Consol. #83	DE	DE	DE	DE	DE	DE	F
Consolidation Coal Co.	Consol. #84	DE	DE	DE	DE	DE	DE	F

and insert in lieu thereof the following language:

	Mine	S-1	S-2	S-3	S-4	S-5	S-6	S-7
Consolidation Coal Co.	Consol. #83	DE	DE	DE	DE	DE	DE	F
Consolidation Coal Co.	Consol. #86	DE	DE	DE	DE	DE	DE	F

The Consolidation Coal Company filed a protest with the Commission for their No. 38 Mine.

It appears from the proposed schedule of minimum prices (Exhibit No. 325) that the District Board classified Size Groups S-1 to S-5, inclusive, as "E," and Size Groups S-6 and S-7 as "F." The protestant contends that the coals be deleted:

	Mine	S-1	S-2	S-3	S-4	S-5	S-6	S-7
Consolidation Coal Co.	Consol. #88	E	E	E	E	E	E	F

and insert in lieu thereof the following language:

	Mine	S-1	S-2	S-3	S-4	S-5	S-6	S-7
Consolidation Coal Co.	Consol. #88	F	F	F	F	F	F	F

In connection with the evidence submitted by the Consolidation Coal Company in support of its various protests, it appears that some of the coal produced in Mine No. 93 of the Consolidation Coal Company is of low sulphur content and should have a "D" classification, but it also appears that the remainder of the coal produced in this mine is not as good

grade coal as the average coal produced in other mines that have been given a dual classification of "DE" on Size Groups S-1 and S-2, and "DF" on Size Groups S-3, S-4 and S-5.

The Commission finds from the evidence that the portion of Page 6 of Exhibit No. 325, reading as follows, should be deleted:

	Mine	S-1	S-2	S-3	S-4	S-5	S-6	S-7
Consolidation Coal Co.	Consol. #93	F	F	F	F	F	F	F

such "DE" classification, except as specifically shown."

That portion of the protest is denied, but it appears from the evidence that the coals produced in these mines have been classified like those in Koppers Coal Company Federal No. 1 Mine, and, should be deleted:

	Mine	S-1	S-2	S-3	S-4	S-5	S-6	S-7
Jamison Coal & Coke Co.	Jamison #8	DE	DE	DE	DE	DE	DE	F
Jamison Coal & Coke Co.	Jamison #9	DE	DE	DE	DE	DE	DE	F

and insert in lieu thereof the following language:

	Mine	S-1	S-2	S-3	S-4	S-5	S-6	S-7
Jamison Coal & Coke Co.	Jamison #8	DE	DE	DE	DE	DE	DE	F
Jamison Coal & Coke Co.	Jamison #9	DE	DE	DE	DE	DE	DE	F

The Four States Coal Company filed with the Commission a protest for their Annabella Mine.

It appears from the proposed schedule of minimum prices (Exhibit No. 325), that the District Board classified Size Groups S-1 to S-5, inclusive, as "DE," and Size Groups S-6 and S-7 as "F." The protestant contends that the low sulphur coals should be classified "D" and that all others should be classified "F."

The Commission finds from the evidence that the portion of Page 7 of Exhibit No. 325, reading as follows, should be deleted:

	Mine	S-1	S-2	S-3	S-4	S-5	S-6	S-7
Four States Coal Co.	Annabella	DE	DE	DE	DE	DE	DE	F

and insert in lieu thereof the following language:

	Mine	S-1	S-2	S-3	S-4	S-5	S-6	S-7
Four States Coal Co.	Annabella	DE	DE	DE	DE	DE	DE	F

The Consolidation Coal Company filed a protest with the Commission for their Nos. 63 and 86 Mines.

It appears from the proposed schedule of minimum prices (Exhibit No. 325), that the District Board classified Size Groups S-1 to S-5, inclusive, for both of these mines, as "DE," and Size Groups S-6 and S-7 as "F." The protestant con-

tends that the low sulphur coals should be classified "D" and that all others should be classified "F."

The evidence shows that the coals from these mines were classified on the same basis as other mines having a "DE" classification, and are entitled to the same relief that is afforded other similar mines.

and insert in lieu thereof the following language:

	Mine	Seam	S-1	S-2	S-3	S-4	S-5	S-6	S-7
Consolidation Coal Co.....	Consol. #93.....	Pittsburgh.....	DF	DF	DF	DF	DF	F	F

The Commission finds that the changes and modifications hereinbefore made in the price schedule will decrease the realization in the amount of \$0.0034. This amount deducted from the realization of \$2.0687, as computed by the District Board shown by Exhibit No. 382, totals \$2.0653 per ton. The evidence in the record shows that it will not disturb the price relationships between the various kinds, qualities and sizes of coal if a certain number of cents per ton be added to the prices shown in the schedule, in order to bring the realization to a figure that will yield as nearly as may be the weighted average cost of production of the price area.

The Commission finds that an increase of 10 cents per ton should be made on all prices for all classifications for all size groups as shown on Page 17 of Exhibit No. 325 as hereinbefore modified, in order to arrive at a realization more nearly equal to the weighted average cost of Minimum Price Area No. 1. The price schedule is amended accordingly, and, as revised, is set forth in Appendix for District No. 3. The resulting realization is \$2.1653 per ton, as compared with the weighted average cost of Minimum Price Area No. 1 of \$2.1574.

And now, upon the record herein, upon the evidence, both documentary and otherwise, and upon the above and foregoing facts found to exist, the Commission finds:

That the District Board for District No. 3, as directed in Order No. 247 of the Commission, proposed minimum prices free on board transportation facilities at the mines for kinds, qualities and sizes of coal produced within the District, classification of coal and price variations as to mines and consuming market areas.

That the District Board for District No. 3, as directed in Order No. 247 of the Commission, submitted to the Commission a schedule of such proposed minimum prices, together with the data upon which same were computed, including, but without limitation, the factors considered in determining the price relationships.

That the minimum prices proposed by the District Board for District No. 3, as herein modified, reflect, as nearly as possible, the relative market value of the various kinds, qualities and sizes of coal produced within the District; are just and equitable as between producers within the District; have due regard to the interests of the consuming public; and do not permit dumping.

That the minimum prices proposed by the District Board for District No. 3 for any kind, quality or size of coal for shipment into any consuming market

area, as herein modified, are just and equitable between producers within the District.

That the minimum prices proposed by the District Board for District No. 3, as herein modified, yield a return per net ton for the District equal as nearly as may be to the weighted average of the total costs per net ton of the tonnage of Minimum Price Area No. 1, the price area in which District No. 3 is placed under the Act.

That the schedule of proposed minimum prices, as amended, and submitted to the Commission by the District Board for District No. 3, as amended, corrected, modified and revised, as hereinabove set forth, conforms to Order No. 247 of the Commission and to the requirements of Section 4-II (a) of the Act, and, as so amended, corrected, modified and revised, said schedule should be, and the same is hereby, approved by the Commission to serve as a basis for the coordination provided for in Section 4-II (b) of the Act. A copy of said schedule as amended, corrected, revised and modified appears in the Appendix for District No. 3.

APPENDIX FOR DISTRICT NO. 3

SCHEDULE OF MINIMUM PRICES AS MODIFIED AND APPROVED TO SERVE AS A BASIS FOR COORDINATION

NOTE.—The prices in this schedule are not the final prices that will be established on coal for shipment by Code Members within this district into consuming markets of this district. In the ultimate establishment of the effective minimum prices, pursuant to subsection (b) of Part II, Section 4 of the Act, the minimum prices in this schedule are subject to such increase or decrease respectively, as may be necessary to carry out the provisions of subsections (a) and (b) of Part II, Section 4 of the Act.

F. W. McCULLOUGH,
Secretary.

Issued January 6, 1939.

Geographical Description of Consuming Market Area to Which Prices Apply

The Market Areas to which coal produced in District No. 3 ordinarily moves include destinations in the States of:

Connecticut, Delaware, Indiana, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan,

Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Virginia, Vermont, West Virginia, and Wisconsin, also District of Columbia and Dominion of Canada.

Size Groups (All Sizes Are for Round Holes)

S1. Any size lump, or double screened coal over $\frac{3}{8}$ " bottom size.

S2. All resultants with a top size of over $1\frac{1}{4}$ ", straight mine run; all resultants, modified resultants or modified mine runs with no size removed having a bottom size of $\frac{3}{8}$ " or under (except as provided in Price Instructions and Exceptions). Any lump over 2" crushed to 7" or under with no rescreening.

S3. All coal with top size not over $1\frac{1}{4}$ " (no fines to be removed except as provided in Price Instructions and Exceptions).

S4. All coal with top size not over $\frac{3}{4}$ " (no fines to be removed except as provided in Price Instructions and Exceptions).

S5. All coal with top size not over $\frac{3}{8}$ " (no fines to be removed except as provided in Price Instructions and Exceptions).

S6. Locomotive fuel, straight mine run, (no fines to be removed except as provided in Price Instructions and Exceptions), and any size slack.

S7. Locomotive fuel, screened and sized, or modified mine run, (except as provided in Price Instructions and Exceptions).

Examples

S1. $\frac{1}{4}$ " +, $\frac{3}{8}$ " +, $\frac{1}{2}$ " +, $\frac{5}{8}$ " +, $\frac{3}{4}$ " +, 1 " +, 2 " +, 3 " +, 4 " +, 5 " +, 6 " +, $\frac{3}{4}$ " x $\frac{3}{8}$ ", 1 " x $\frac{1}{2}$ ", 2 " x $1\frac{1}{4}$ ", 3 " x 1 ", 6 " x 1 ", 5 " x 2 ", 5 " x $\frac{5}{8}$ ", 6 " x $\frac{3}{4}$ ", etc.

S2. 6 " x 0 ", 4 " x 0 ", 2 " x 0 ", $1\frac{1}{2}$ " x 0 ", 4 " +, crushed to 5" and not rescreened, straight mine run, mine run with all or part of 2 " x 1 " removed.

S3. $1\frac{1}{4}$ " x 0 ", $1\frac{1}{8}$ " x 0 ", 1 " x 0 ", $\frac{7}{8}$ " x 0 ".

S4. $\frac{3}{4}$ " x 0 ", $\frac{5}{8}$ " x 0 ", $\frac{1}{2}$ " x 0 ".

S5. $\frac{3}{8}$ " x 0 ", $\frac{1}{4}$ " x 0 ".

S6. Straight mine run, no fines removed, (except as provided in Price Instructions and Exceptions) and any size slack.

S7. Any size lump, or double screened coal over $\frac{3}{8}$ " bottom size, or mine run with any slack removed, (except as provided in Price Instructions and Exceptions).

Alphabetical List of Code Members Showing Price Classification by Sizes for All Uses

Code member	Mine name	Seam or kind	Price classifications and size group nos.						
			S1	S2	S3	S4	S5	S6	S7
A									
Adams, C. E.	Adams	Pittsburgh	H	H	H	H	H	F	F
Adrian Fuel Co.	Adrian	High Vol. Freeport	F	F	F	F	F	H	H
Alexander Coal Co.	Gore	Pittsburgh	F	F	F	F	F		
Allawat, Michael	Gawthrop	Pittsburgh	F	F	F	F	F		
Alpha Coal Corp.	Alpha	Pittsburgh	G	G	G	G	G	F	F

Alphabetical List of Code Members Showing Price Classification by Sizes for All Uses—Continued

Code member		Mine name	Seam or kind	Price classifications and size group nos.							Seam or kind	Mine name	Code member	Price classifications and size group nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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Antolini Coal Co.	Antolini	High Vol. Kittanning	Pittsburgh	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J

Alphabetical List of Code Members Showing Price Classification by Sizes for All
Uses—Continued

Code member		Mine name	Seam or kind	Price classifications and size group nos.							Code member	Mine name	Seam or kind	Price classifications and size group nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
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Hillman Coal & Coke Co. Hinkle & Sons Coal Co., U. W. Hogre, J. W. Holcomb, A. B. Houck & Reider Smokeless Coal Co. Houck Reider Bros. Coal Mng. Co. Howard Coal Co. Huffman, H. B. Hutchinson Coal Co. Hutchinson Coal Co.	Tunnelton	Med. Vol. Freeport	J	J	J	J	J	J	H	McDonald, Ray	McDonald #1	Pittsburgh	F	J	F	F	F	F	F	K	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F

Alphabetical List of Code Members Showing Price Classification by Sizes for All Uses—Continued

Code member	Mine name	Seam or kind	Price classifications and size group nos.						
			S1	S2	S3	S4	S5	S6	S7
Satterfield, Dallas	Point View	Pittsburgh	F	F	F	F	F		
Saxman Coal & Coke Co., The	Saxman #3 & #4	Sewell	A	A	A	A	A	A	A
Sewell Coal Co.	Guardian #4	Sewell	A	A	A	A	A	A	A
Shannon Coal Co.	Shannon	High Vol. Kittanning	J	J	J	J	J		
Sharps, H. P.	Sharps	Pittsburgh	F	F	F	F	F		
Shay Coal Co.	Shay #1	Med. Vol. Freeport	J	J	J	J	J	H	H
Shifflett, Gilbert	Laurel Branch	Sewell	A	A	A	A	A		
Shomo, George W.	Shomo	High Vol. Kittanning	J	J	J	J	J		
Shriver Coal Co.	Shriver	Sewickley	J	J	J	J	K	H	H
Silvester Brothers	Silvester Bros.	High Vol. Kittanning	J	J	J	J	J		
Simmons, Ray	Shaw	Med. Vol. Freeport	J	J	J	J	J		
Simpson Creek Collieries Co., The	Galloway #2	Pittsburgh	F	F	F	F	F	F	F
Simpson Crk. Collieries Co., The	Galloway #3	Pittsburgh	F	F	F	F	F	F	F
Sinsel Heirs	Sinsel	Pittsburgh	G	G	G	G	G		
Sinsel, J. A.	Chapel	Bakerstown	F	F	F	F	F		
Snyder, Charles W.	Snyder #1	Pittsburgh	F	F	F	F	F		
Sparks, C. K.	C. K. Sparks	Coalburg	A	A	A	A	A		
Spencer, Edward	Spencer	Eagle	A	A	A	A	A		
Sperandio, John	Med. Vol. Freeport	J	J	J	J	J	J		
Springer, W. H.	Bert Satterfield	Pittsburgh	F	F	F	F	F		
Stackpole & Son, A. C.	Stackpole	Pittsburgh	F	F	F	F	F		
Stalnakner, Frank	Stalnakner	Pittsburgh	F	F	F	F	F		
Standard Coal Co.	Nancy	Pittsburgh	G	G	G	G	G	F	F
Stanley Coal Co.	Banner #1	Low Vol. Kittanning	H	H	H	H	H	H	H
Stanley Coal Co.	Banner #2	Low Vol. Kittanning	H	H	H	H	H	H	H
Starcher, D. J.	Fitzwater	No. 2 Gas	A	A	A	A	A		
Starford Gas Coal Co.	Harrison	Pittsburgh	F	F	F	F	F	F	F
Starr, J. H.	Rich Mountain	Sewell	A	A	A	A	A		
State Hill Coal Co.	Reiner	Pittsburgh	F	F	F	F	F		
Sterle, Mrs. Bessie	Mary Lee Stevens	Sewickley	J	J	J	J	K		
Stewart Coal Co.	Clark-Wade	Waynesburg	J	J	J	J	K		
Stetzler Coal Co.	Robert	Pittsburgh	F	F	F	F	F	F	F
Street & Lemmons Coal Co.	Street & Lemmons #1	Med. Vol. Freeport	J	J	J	J	J		
Strother & Thompson	Limestone	Pittsburgh	F	F	F	F	F		
Strother, J. F.	South Side	Pittsburgh	F	F	F	F	F		
Strother, O. R.	Marsh	Pittsburgh	F	F	F	F	F		
Sutton, O. O.	Sutton	Clarion	F	F	F	F	F		
T									
Taggart Coal Co.	Taggart	Pittsburgh	F	F	F	F	F	F	F
Talbert, Russell	Talbert	Sewell	A	A	A	A	A		
Talbot-Crawford Coal Co.	Talbot	High Vol. Kittanning	J	J	J	J	J		
Talbot Coal Co., H. V.	Paula Sue	Bakerstown	G	G	G	G	G	F	F
Thompson, C. E.	Thompson	Pittsburgh	F	F	F	F	F		
Three Fork Coal Co.	Cassity	Sewell	A	A	A	A	A	A	A
Tidd & Morrison	Scott Opening	Sewell	A	A	A	A	A	A	A
Tithenel Domestic Coal Co.	Rector	Pittsburgh	F	F	F	F	F		
Tonkin, Carl	Tonkin	High Vol. Kittanning	J	J	J	J	J		
Townsend, O. B.	Townsend	Sewell	A	A	A	A	A		
Tressler Coal Mining Co.	Barry	Pittsburgh	F	F	F	F	F	F	F
U									
Upton, Boyd	Bosworth	High Vol. Kittanning	J	J	J	J	J		
V									
Valentine, F. W.	Loman Bunner Bank	Pittsburgh	F	F	F	F	F		
Virginia & Pittsburgh Coal & Coke Co.	Morgan	Pittsburgh	F	F	F	F	F	F	F
Virginia & Pittsburgh Coal & Coke Co.	Kingmont	Pittsburgh	DE	DE	DF	DF	DF	F	F
W									
Waddell, D. H.	Waddell	Pittsburgh	H	H	H	H	H	F	F
Waddell Fuel Co.	Delmar #1	Pittsburgh	F	F	F	F	F	F	F
Waddell Fuel Co.	Delmar #4	Pittsburgh	F	F	F	F	F	F	F
Wade, Ray	Ray Wade	Waynesburg	J	J	J	J	K		
Walker & Olsen	Maxwell	High Vol. Kittanning	J	J	J	J	J	F	F
Walker Coal Mining Co.	Big Sewell #1	Sewell	A	A	A	A	A	A	A
Walters, W. C.	Holms	Pittsburgh	H	H	H	H	H	F	F
Ward, J. D.	Tioga #2	Sewell	A	A	A	A	A		
Ward, John B., Jr.	Taylor Run	Sewell	A	A	A	A	A		
Warm Hollow Coal Co.	Thelma	Pittsburgh	F	F	F	F	F		
Watson, L. Jay	Bakerstown	G	G	G	G	G	G		
Weatherholt, Isaac and Austie	Weatherholt	Pittsburgh	F	F	F	F	F		
Weaver, J. M.	Carl Miller	Pittsburgh	F	F	F	F	F		
Weaver, Russell	Weaver	Pittsburgh	H	H	H	H	H	F	F
Webster Sewell Coal Co.	Paulcille	Sewell	A	A	A	A	A	A	A
West Side Planing Mill	W. S. P. M. #1	Bakerstown	G	G	G	G	G		
West Virginia Coal & Coke Corp.	Junior	High Vol. Kittanning	J	J	J	J	J	F	F
West Virginia Coal & Coke Corp.	Norton	High Vol. Kittanning	J	J	J	J	J	F	F
West Virginia Coal & Coke Corp.	Bower	Pittsburgh	F	F	F	F	F	F	F
West Virginia Smokeless Coal Co.	Glenwood #2	Bakerstown	G	G	G	G	G	F	F
Wiles, Okey L.	Wiles #1	Bakerstown	G	G	G	G	G		
Williams & Sons, W. B.	Williams #1	Med. Vol. Freeport	J	J	J	J	J		
Williams Coal Co., Phil	Williams	High Vol. Kittanning	J	J	J	J	J	F	F
Wiseman, B. H.	Wiseman	Eagle	A	A	A	A	A		
Wolfe, Harrison	Shafer	Pittsburgh	F	F	F	F	F		
Y									
Young Coal Co.	Nutter	Pittsburgh	F	F	F	F	F		
Z									
Ziekefoose Bros.	Ziekefoose	Redstone	F	H	F	F	F		
Zulick & Dodrill	Hart	Sewell	A	A	A	A	A		

Price Instructions and Exceptions

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in District No. 3.

2. All prices are subject to the Market-ing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the equivalent shall control the size.

4. In the sale of coal to destination points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All Prices herein are per net ton of 2,000 pounds f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil, or wax process, an additional charge of not less than 10¢ per net ton shall be made. This does not apply to chemicals placed in the bottom of hopper cars to prevent freezing.

7. Cannel Coal produced by the Pardee & Curtin Lumber Company at Bergoo #3 Mines, shall take a minimum price of \$1.85 per net ton of 2,000 pounds f. o. b. transportation facilities at the mines.

8. Machine cuttings of the Stanley Coal Company from its Banner No. 1 Mine shall be priced at \$1.10 per net ton f. o. b. mine. All invoices shall designate this coal to be low grade machine cuttings.

9. Crushing of coal is permitted at any mine in District No. 3, with the understanding that the size and quality of the crushed coal, loaded into transportation facilities at the mines shall determine the price to be charged for such crushed coal.

10. River, Ex-River, Lake Cargo, Vessel Fuel, Tidewater Bunker and By-Product prices will be the same as all other commercial prices.

11. Railroad locomotive fuel for movement through eastern tidewater ports shall take the same prices applying on all-rail railroad locomotive fuel for the size ordered and shipped.

12. Where mines are classified "DE" or "DF" the "D" Classification shall apply to all coals (Size Groups S-1 to S-5, inclusive) having a sulphur content of 1.35% or under, irrespective of the use for which they are sold. Coals having a sulphur content in excess of 1.35% shall be classified "E" in Size Groups S-1 and S-2, and "F" in Size Groups S-3, S-4 and S-5.

13. Run of mine may be defined as a size which does not contain in excess of 33% minus 3/4" coal. Any producer whose run of mine coal cannot meet these specifications is permitted to remove any excess portion above 33% of 3/4" screenings, it being understood that the portion removed shall consist only of 3/4" x 0" slack.

14. Mine run coal loaded as Railroad Locomotive Fuel may be defined as a size which does not contain in excess

of 33% minus $\frac{3}{4}$ " coal. Any producer whose run of mine coal cannot meet these specifications is permitted to remove any excess portion above 33% of $\frac{3}{4}$ " screenings, it being understood that the portion removed shall consist only of $\frac{3}{4}$ " x 0" slack.

15. All grades of coal washed shall be classified in the same manner as in the case of raw coal; namely, on the basis of the quality and value of the coal as loaded into cars.

16. Any mine of a Code Member whose mine classification is not shown herein shall take the same classification as adjacent mines operating in the same seam.

17. If any fines are removed from Size Group S-3, the S-1 Size Group Price will apply.

18. If any fines are removed from Size Group S-4, the S-1 Size Group Price will apply.

19. If any fines are removed from Size Group S-5, the S-4 Size Group Price will apply.

Prices for Shipment Into All Market Areas

Price classification	Prices in cents per net ton of 2,000 pounds and size group numbers						
	S1	S2	S3	S4	S5	S6	S7
A.....	270	250	240	230	225	220	240
B.....	265	245	235	225	220	215	235
C.....	260	240	230	220	215	210	230
D.....	255	235	225	215	210	205	225
E.....	250	230	220	210	205	200	220
F.....	245	225	215	205	200	195	215
G.....	240	220	210	200	195	190	210
H.....	235	215	205	195	190	185	205
J.....	230	210	200	190	185	180	200
K.....	225	205	195	185	180	175	195

NOTE.—See Price Instructions and Exceptions.

Conclusion

It is the conclusion of the Commission that the schedule of proposed minimum prices submitted to the Commission by the District Board for District No. 3, as amended, corrected, modified or revised, conform to the requirements of Section 4-II (a) of the Act, and that same, as amended, corrected, modified or revised, may properly be transmitted to the respective District Boards within Minimum Price Area No. 1 to serve as a basis for the coordination as provided in Section 4-II (b) of the Act.

By the Commission,

[SEAL]

PERCY TETLOW,
Chairman.

Dated this 6th day of January 1939.

MINIMUM PRICES AND MARKETING RULES AND REGULATIONS AS PROPOSED AND SUBMITTED BY THE DISTRICT BOARD FOR DISTRICT NO. 13 (EXCEPTING VAN BUREN, WARREN AND McMINN COUNTIES, TENNESSEE) WITHIN MINIMUM PRICE AREA 3

FINDINGS AS TO THE FACTS AND CONCLUSIONS OF THE COMMISSION

Pursuant to the provisions of an Act of Congress approved April 26, 1937, entitled "An Act to regulate interstate com-

merce in bituminous coal and for other purposes" (Public No. 48, 75th Congress, 1st Sess.), known as the "Bituminous Coal Act of 1937," and hereinafter referred to as the "Act," the National Bituminous Coal Commission, hereinafter referred to as the "Commission," under and by virtue of the authority granted in Section 4 II (a) of the Act, on the 20th day of August 1938, issued its Orders No. 249 and No. 250 ordering and directing the District Boards for Districts 9, 10, 11, 12, 13, 14 and 15 to propose to the Commission minimum prices free on board transportation facilities at the mines for kinds, qualities and sizes of coal produced in said districts and reasonable rules and regulations incidental to the sale and distribution of coal by code members within said districts, the minimum prices and marketing rules and regulations to be proposed by the District Board for District 13 to be limited to that part of District 13 known as Minimum Price Area 3, said proposals to be submitted to the Commission on or before the 14th day of September 1938.

Said orders were published in the FEDERAL REGISTER under date of August 23, 1938, and copies of said orders were mailed to each of the code members within said districts and to each of the Secretaries of the District Boards within Minimum Price Areas 2, 3, 4 and 5, as directed in said orders.

Order No. 249 directed each of the aforesaid District Boards to propose to the Commission minimum prices f. o. b. transportation facilities at the mines for kinds, qualities, and sizes of coal produced by the code members in their respective districts, and to propose such classification of coal and price variations as to mines, consuming market areas, values as to uses and seasonal demand, as might be deemed proper and within the authority conferred by the Act. This order further provided that each District Board should transmit its schedule of proposed minimum prices to each code member in the district before filing such schedule with the Commission in order to give code members an opportunity of protesting any proposed price classification.

Order No. 249 further directed that the minimum prices proposed by the several district boards should conform to the following standards therefor set out in Section 4 II (a) of the Act:

(a) The proposed minimum prices for each of the aforesaid districts shall yield a return per net ton for such districts equal, as nearly as may be, to the weighted average of the total costs, per net ton, of the tonnage of the minimum price area within which such district is located, as said weighted average heretofore has been determined by order of the Commission dated August 19, 1938, in this proceeding.

(b) They shall reflect, as nearly as possible, the relative market value of the various kinds, qualities and sizes of coal to which they are applicable.

(c) They shall be just and equitable as between producers within the district.

(d) They shall be just and equitable as between producers within the district for any kind, quality or size of coal for shipment into any consuming market area.

(e) They shall not permit dumping.

Order No. 249 further directed that each schedule of proposed minimum prices submitted by the district boards should include the following clause:

NOTE.—The prices in this schedule are not the final minimum prices that will be established on coal for shipment by code members within this district into consuming markets of this district. In the ultimate establishment of the effective minimum prices, pursuant to subsection (b) of Part II, Section 4 of the Act, the minimum prices as proposed in such schedule, or as modified, are subject to such increase or decrease, respectively, as may be necessary to carry out the provisions of subsections (a) and (b) of Part II, Section 4 of the Act.

Order No. 250 directed each of the aforesaid District Boards to propose to the Commission reasonable rules and regulations incidental to the sale and distribution of coals by the code members of their respective districts, such rules and regulations not to be inconsistent with the requirements of Section 4 of the Act and to conform to the standards of fair competition therein established. Said order directed said District Boards to transmit such proposed rules and regulations to all code members in order that they would be afforded an opportunity of studying such proposed rules and regulations and of protesting to any of such proposals and to suggest whatever added rules or regulations such code members deemed necessary to properly effectuate the purposes of Section 4 of the Act.

Upon receipt of said orders by the several District Boards within Minimum Price Areas 2, 3, 4 and 5, said District Boards, as directed in said orders, proceeded to propose such minimum prices and marketing rules and regulations as in their judgment conformed to the requirements of said orders. Schedules evidencing such proposals were prepared by said District Boards and copies of same were transmitted to each code member within the respective districts in order that such code members, after due consideration of such schedules, might present to their respective District Boards whatever objections, if any, they might have to said schedules, and in order that the respective District Boards, after due consideration of such objections, if any, might revise such schedules in such manner as, in their judgment, would better conform to the requirements of Orders No. 249 and No. 250, as issued by the Commission, and to the requirements of Section 4-II (a) of the Act.

The schedules of minimum prices, as revised, together with the data upon which same were computed and the schedules of marketing rules and regulations, together with the reasons sup-

porting same, were transmitted to the Commission as directed in said orders.

Subsequent to the receipt of said schedules by the Commission, the Commission, on the 11th day of October 1938, issued its order giving notice to all interested parties of a hearing to be held upon the proposals of minimum prices and marketing rules and regulations as proposed and submitted to the Commission by the District Boards for Districts 9, 10, 11, 12, 13 (except Van Buren, Warren and McMinn counties in Tennessee), 14 and 15 within Minimum Price Areas 2, 3, 4 and 5, said hearing to be held on the 26th day of October 1938, at the Hearing Room of the Commission, 15th and Eye Streets, N. W., Washington, D. C. As expressed in the face of said order, said hearing was to be held for the purpose of receiving evidence relating to the aforementioned proposals of minimum prices and marketing rules and regulations in order to enable the Commission to approve or modify such proposals to the end that such proposals, as approved or modified, may serve as the basis for the coordination of same as provided in Section 4 II (b) of the Act.

Said order giving notice of said hearing directed the Secretary of the Commission to cause copies of said proposals to be made available for inspection by interested parties at the office of the Secretary of the Commission at Washington, D. C., and at the office of each Statistical Bureau of the Commission within Minimum Price Areas 2, 3, 4 and 5; to cause a copy of said order to be published forthwith in the *FEDERAL REGISTER* and in two consecutive issues of a newspaper having a general circulation in each of the districts within Minimum Price Areas 2, 3, 4 and 5; and to cause a copy of said order to be mailed to each of the code members within said districts, to the Office of Consumers' Counsel, Washington, D. C., and to the Secretaries of each of the District Boards for the districts within Minimum Price Areas 2, 3, 4 and 5. A copy of said order was also directed to be made available for inspection at each of the Statistical Bureaus of the Commission within said districts.

The aforesaid directions in said order were complied with. A copy of said order was made available for inspection at the office of the Secretary of the Commission at Washington, D. C., and at the office of each of the Statistical Bureaus of the Commission within each of the districts within Minimum Price Areas 2, 3, 4 and 5. A copy of said order was published in the *FEDERAL REGISTER* of date October 14, 1938, and a copy of said order was mailed to each of the code members within Minimum Price Areas 2, 3, 4 and 5, to the Office of Consumers' Counsel, Washington, D. C., and to each of the Secretaries of the District Boards within Minimum Price Areas 2, 3, 4 and 5. A copy of said order was published in two con-

secutive issues of The Des Moines Register, Des Moines, Iowa; The Birmingham News, Birmingham, Alabama; the Illinois State Register, Springfield, Illinois; The Terre Haute Tribune, Terre Haute, Indiana; The Louisville Times, Louisville, Kentucky; The Kansas City Star, Kansas City, Missouri; and the Arkansas Democrat, Little Rock, Arkansas, newspapers having a general circulation in each of the respective districts within Minimum Price Areas 2, 3, 4 and 5.

Subsequent to the issuance and service of the aforementioned order giving notice of hearing upon the proposed minimum prices and marketing rules and regulations as proposed by the District Boards for Districts 9, 10, 11, 12, 13 (except Van Buren, Warren and McMinn Counties in Tennessee), 14 and 15, the Commission on the 21st day of October 1938, issued its order giving notice of postponement of said hearing, the date of said hearing being postponed from the 26th day of October 1938 to the 3d day of November 1938.

Said order giving notice of the postponement of said hearing directed the Secretary of the Commission to cause a copy of same to be published forthwith in the *Federal Register* and in two consecutive issues of a newspaper having a general circulation in each of the aforesaid districts. Said order further directed the Secretary of the Commission to mail a copy of same to each of the code members within Minimum Price Areas 2, 3, 4 and 5, to the Office of Consumers' Counsel, and to the Secretary of each of the District Boards within said Minimum Price Areas. The Secretary of the Commission was also directed to make a copy of said order available for inspection at each of the Statistical Bureaus of the Commission within Minimum Price Areas 2, 3, 4 and 5.

The aforesaid directions in said order were complied with. A copy of said order was published in the *Federal Register* of date October 25, 1938, and copies of said order were mailed to each of the code members within Minimum Price Areas 2, 3, 4 and 5; to the Office of Consumers' Counsel, Washington, D. C.; and to each of the Secretaries of the District Boards for Districts 9, 10, 11, 12, 13, 14 and 15. A copy of said order was made available for inspection at each of the Statistical Bureaus of the Commission within said districts. A copy of said order was published in two consecutive issues of the Birmingham News, Birmingham, Alabama; The Des Moines Register, Des Moines, Iowa; Illinois State Register, Springfield, Illinois; Arkansas Democrat, Pulaski County, Arkansas; The Terre Haute Tribune, Terre Haute, Indiana; The Kansas City Star, Kansas City, Missouri; and The Louisville Times, Louisville, Kentucky, newspapers having a general circulation in each of the respective districts within Minimum Price Areas 2, 3, 4 and 5.

The Commission on the 29th day of October 1938 issued its order giving

notice that the hearing in the matter of the proposals of minimum prices and marketing rules and regulations as submitted to the Commission by the District Boards for Districts 9, 10, 11, 12, 13 (except Van Buren, Warren and McMinn Counties in Tennessee), 14 and 15 as previously set by order of the Commission for the 3d day of November 1938, at 10 a. m. in the Hearing Room of the Commission at 15th and Eye Streets NW., Washington, D. C., had been separated so as to provide for that part of the hearing relating to Minimum Price Area No. 3 to be held in the City of Washington, D. C., on the 9th day of November 1938 and that part of the hearing relating to Minimum Price Areas 2, 4 and 5 to be held in the City of Chicago, Illinois, on the 14th day of November 1938.

Said order further gave notice that the date for the hearing in the matter of the proposals of minimum prices and marketing rules and regulations as submitted to the Commission by the District Board for District 13 (except Van Buren, Warren and McMinn Counties in Tennessee) as previously set by order of the Commission for the 3d day of November 1938, at 10 a. m. in the Hearing Room of the Commission at 15th and Eye Streets NW., Washington, D. C., had been postponed to November 9, 1938, the hearing to be held at the same hour and place.

Said order also gave notice that the date for the hearing in the matter of the proposals of minimum prices and marketing rules and regulations as submitted to the Commission by the District Boards for Districts 9, 10, 11, 12, 14 and 15 as previously set by order of the Commission for the 3d day of November 1938, at 10 a. m. in the Hearing Room of the Commission at 15th and Eye Streets NW., Washington, D. C., had been postponed to the 14th day of November 1938, said hearing to open at 10 a. m. in the Hearing Room of the Commission in the Morrison Hotel, Chicago, Illinois.

Said order giving notice of the separation and postponement of said hearing directed the Secretary of the Commission to cause a copy of same to be published forthwith in the *FEDERAL REGISTER* and in a newspaper having a general circulation in Districts 9, 10, 11, 12, 13, 14 and 15. The Secretary of the Commission was further directed to cause copies of said order to be mailed to each of the code members within said districts, to the Office of Consumers' Counsel, Washington, D. C., to the Secretaries of each of the District Boards within Minimum Price Areas 2, 3, 4 and 5, and to make available for inspection a copy of said order in each of the Statistical Bureaus of the Commission within said districts.

The aforesaid directions in said order were complied with. A copy of said order was made available for inspection at the office of each of the Statistical Bureaus of the Commission for each of

the districts within Minimum Price Areas 2, 3, 4 and 5. A copy of said order was published in the *FEDERAL REGISTER* of date November 1, 1938, and copies of said order were mailed to each of the code members within Minimum Price Areas 2, 3, 4 and 5; to the Office of Consumers' Counsel, Washington, D. C.; and to each of the Secretaries of the District Boards within Minimum Price Areas 2, 3, 4 and 5. A copy of said order was published in two consecutive issues of *The Louisville Times*, Louisville, Kentucky; the *Illinois State Register*, Springfield, Illinois; *The Des Moines Register*, Des Moines, Iowa; *The Terre Haute Tribune*, Terre Haute, Indiana; the *Arkansas Democrat*, Little Rock, Arkansas; *The Birmingham News*, Birmingham, Alabama; and the *Kansas City Star*, Kansas City, Missouri.

Due and reasonable notice of the separate hearing upon the proposals of minimum prices and marketing rules and regulations, as submitted to the Commission by the District Board for District 13 (except Van Buren, Warren and McMinn Counties in Tennessee), as postponed, having been given all interested parties, said cause came on for hearing before the Commission on the 9th day of November 1938, at the hour and place as specified in the order of the Commission, to wit, at 10 a. m. in the Hearing Room of the Commission, 15th and Eye Streets, N. W., Washington, D. C. After said hearing had been duly and formally opened, and all interested parties desiring to appear had entered their appearances in said cause, the Commission proceeded to receive evidence relative to the proposals of minimum prices and marketing rules and regulations as proposed to the Commission by the District Board for District 13 (except Van Buren, Warren and McMinn Counties in Tennessee). Said hearing was duly concluded on the 10th day of November 1938.

At said hearing all interested parties were afforded full opportunity to be heard on the proposals of minimum prices and marketing rules and regulations which had been submitted to the Commission by the District Board for that part of District 13 constituting Minimum Price Area 3. The District Board for said district adduced evidence relative to such proposals and placed into this record as exhibits all of the data which such District Board had used as a basis for such proposals, and said District Board introduced in evidence the factors which the District Board had considered in determining the price relationships and the marketing rules and regulations which had been proposed to the Commission by said District Board in its schedule.

The schedule of proposed minimum prices offered in evidence by the District Board for so much of District 13 as constitutes Minimum Price Area 3 contained the above clause previously quoted from Order No. 249, which clearly indicated

that the District Board was proposing minimum prices free on board transportation facilities at the mines for kinds, qualities and sizes of coal produced in that part of District 13 constituting Minimum Price Area 3, without taking into consideration those additional factors and standards which are set forth in Section 4, Part II, subsection (b), of the Act. The minimum prices so proposed as hereafter approved or modified will serve as a basis for coordination as provided in Section 4-II (b) of the Act. Such proposals of minimum prices do not take into account differences in transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, or competitive relationships between coal and other forms of fuel and energy, as such matters constitute a part of the coordination of minimum prices and are properly a subject of consideration under Section 4-II (b) of the Act.

The evidence adduced at said hearing having been duly reported and filed with the Commission, the Commission, after due consideration of same and being fully advised in the premises, makes this its findings as to the facts and its conclusions drawn therefrom:

MINIMUM PRICE AREA No. 3—DISTRICT No. 13

PROPOSED MINIMUM PRICES

The Board for District No. 13, (except Van Buren, Warren and McMinn Counties in Tennessee), Minimum Price Area No. 3, submitted in evidence a schedule of proposed minimum prices (Ex. 597) f. o. b. transportation facilities at the mines, prepared pursuant to Order No. 249 of the Commission, of the kinds, qualities and sizes of coal produced by the various Code Members within the District, and the classification of coals and price variations as to mines, consuming market areas, values as to uses and seasonal demand, together with data upon which they were computed.

Listed in the schedule of the District Board were 43 Code Members with 67 rail-connected mines and 250 Code Members with 252 truck mines in Alabama, and 8 Code Members with 9 rail-connected mines and 45 Code Members with 48 truck mines in Tennessee-Georgia, a total of 346 Code Members and 376 mines.

The major portion of the coal produced in District No. 13 is from the Warrior coal field, the Cahaba coal field and the Cumberland Mountain or Sewanee field, 55 seams being shown in the schedule. These seams vary in thickness from 20 inches to 15 feet. In the thinner seams there are usually no partings, and in the thicker seams there are many partings of local and foreign material often of a total thickness greater than the thickness of the coal in the seam. As a result of the characteristics of the seams, approximately 80% of the coal in the District must be washed.

A peculiarity of the coals in District No. 13 is that the higher quality coals are mined from the thinner high cost seams. These coals being adapted to domestic use, are able to secure a return therefrom comparable to their relatively higher costs, while the lower cost, lower quality coals are used largely in the production of steam.

In preparation of the schedule of District Board No. 13, the Price and Classification Committee of the Board, 10 sales managers and executives familiar with the marketing of coal from rail-connected and truck mines in the District, submitted data and recommendations to the Board consisting of arrangements of sub-districts, size groupings, an alphabetical list of Code Members showing their mines and seams, and the relationship of the coals of Code Members in the base size groups. On August 27, 1938, the District Board, representing 62% of the commercial production in District No. 13, and having a membership possessing from 10 to 40 years of experience in producing and merchandising coal in the District, met, with 8 members present, and considered the foregoing memoranda in the light of the requirements of the Act and of the instructions in Order No. 249 of the Commission.

Other documents considered by the Board were Report No. 3382 of the Bureau of Mines (Ex. 599) entitled, "Grindability Indices, Promixate Analyses, and Calorific Values of Alabama Coals"; Report No. 3384 of the Bureau of Mines (Ex. 600) entitled, "Results of Friability tests on Alabama Coals"; and a document (Ex. 601) entitled, "Comparison of Prices and Relationships under N. R. A., Coal Act of 1935 and Proposal of September 1938."

In determining the price relationship of coals in District No. 13, the Board considered all available analytical data, the physical characteristics of the various coals, the combined experience of the Board members and others in the marketing of coal in District No. 13, the performance characteristics of coals in various uses, and the marketability, consumer preference, selection, and acceptance of all coals in the District.

At a meeting on August 27, 1938, District Board No. 13 adopted its schedule and mailed a copy of the original draft thereof to each Code Member in District No. 13, on August 30, 1938, in compliance with Order No. 249 of the Commission, and instructions were sent out that any protests by Code Members must be submitted in writing to the District Board on or before September 6, 1938. Fifty-four protests to the schedule were filed with the Board, most protests asking for a lower price classification. The Board notified all protestants to appear on September 8, 1938, and give evidence relating to their protests. On September 8, 9 and 10, 1938, 10 producer members being present, the Board met to consider protests. Seven protests were granted in

full, 9 in part, and 31 were denied, while 7 protests were not acted on because obviously based upon a misinterpretation of the schedule. In 23 cases, protestants were represented at the hearings before the Board.

On September 13, 1938, District Board No. 13, sent 100 copies of the final proposed schedule to the Commission and 5 copies to each of the District Boards, and at the same time all Code Members were advised, in writing, of all changes and additions made in the schedule already submitted to them.

The General contents of the schedule proposed by District Board No. 13 are as follows:

On pages 3 to 6, inclusive, are contained the Price Instructions and Exceptions to general prices, including the various use classifications where value relationships of the various coals in the District are different for different uses, and also including a schedule of seasonal discounts. The seasonal discounts reflect discounts customarily in effect.

On page 7 is a list of 20 size groupings of coal which constitute all of the sizes regularly marketed by Code Members in District No. 13. The sizes range from Screened coal, bottom size larger than 2", to Resultant $\frac{3}{8}$ " x 0" and smaller.

On page 8, the sub-districts of District No. 13 are identified as follows:

- No. 1—Alabama rail-connected mines.
- No. 2—Alabama truck mines.
- No. 3—Tennessee-Georgia rail-connected mines.
- No. 4—Tennessee-Georgia truck mines.

On pages 9 to 23, inclusive, there is contained an alphabetical list of the Code Members showing their price classifications by sizes for all but special uses which are shown as exceptions to the general schedule.

On pages 24 and 25 there is a list of prices for shipment into market areas 1 to 20, inclusive.

On page 26 there is a geographical description of consuming market areas to which prices apply, being as follows: General commercial—in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Tennessee and Texas; and a limited amount of specialty coals only—in the States of Illinois, Indiana, Kansas, Kentucky, Oklahoma and South Carolina.

Item 6 of Price Instructions and Exceptions, page 3, provides that:

"When coal is subjected to any chemical, oil or waxing process, an additional charge not less than 15 cents per net ton shall be made."

The additional charge for treatment reflects the relative value of the coals so treated to other coals.

Item 9 of Price Instructions and Exceptions, page 3:

"An extra charge of \$2.50 per car must be made for loading mixed cars."

No. 7—3

An additional charge of \$2.50 is the value of the services rendered when 2 sizes are loaded into one car and separated by partition.

Item 13 of Price Instructions and Exceptions, page 4, provides that:

"For all mines in Sub-Districts Nos. 3 and 4 the prices shown are for unwashed coal; washed coal shall be 10 cents per ton higher than unwashed coal."

The additional charge of 10¢ per ton for washed coal represents the relative value of such washed coal to unwashed coal.

Item 15 of Price Instructions and Exceptions, page 4, provides that:

"The prices set out for mines in Sub-District No. 2 are for unwashed coal. The following increases over prices shown shall apply to washed coal:

Subdistrict	References	Sizes	April	May	June	July	August		September	
							1-15	16-31	1-15	16-30
1.	101 to 149.	1 to 5.	100	85	70	55	40	30	20	10
1.	150 to 199.	1 to 5.	40	30	20	15	10	10	05	05
2.	200 to 399.	1 to 5.	75	75	50	50	25	25	25	25
2.	200 to 399.	7, 8, 10.	30	30	20	20	10	10	10	10
2.	400 to 599.	1 to 5.	45	45	30	15	15	15	15	15
2.	400 to 599.	7, 8, 10.	30	30	20	10	10	10	10	10
3 and 4.	600 to 699.	1 to 4.	50	40	30	20	20	20	10	10

Due to seasonal demand, the prices on domestic coals vary from month to month between the period April 1st and September 30th. The variance is not uniform but depends upon the kind, quality and size of the coal. The variations, as shown by the schedule, reflect the market values of the coals as disclosed by market experience.

Item 20 of Price Instructions and Exceptions, page 6, provides that:

"**Blacksmith coal.**—Prices in cents per net ton of 2,000 pounds on Special Blacksmith Coal:

References	Mine	Price in cents
107.	Bradford.	425
108.	Thermal.	425
117.	Boothton.	425
188.	Porter.	425
196.	Carbon.	425
187.	Johns.	425
602.	Durham.	400
604.	Coalmont.	400
605.	Niack.	400
606.	Palmer.	400
608.	Whitwell.	400

The equitable price relationship between Alabama and Tennessee-Georgia coals when used for blacksmithing, is \$4.25 to \$4.00. The level of these prices in relationship to prices for other coals is due to the fact that coals for blacksmithing purposes are specially prepared for such use and are distributed in small quantities.

Item 21 of Price Instructions and Exceptions, page 6, provides that:

"**Bunker coal.**—Prices in cents per net ton of 2,000 pounds, applicable to all coal moving on Bunker Coal Freight Rates:

References	Size groups				
	5	7	8	15	17
228 to 333, 439 to 485.	20	10	10	10	15
334 to 337.	20	25	25	100	100
400 to 409.	10	25	25	20	25
486 to 487, 338 to 341, 200 to 226.	20	25	25	70	75
410 to 438, 521 to 534.	20	20	20	35	50
342 to 354.	20	25	25	10	15
355 to 356.	20	25	25	25	25
227.	20	25	25	10	15
488 to 520.	10	15	15	20	25

The price changes reflect the relative value of such coals and are just and equitable to all Code Members.

Item 17 of Price Instructions and Exceptions, page 5, provides that:

"The following seasonal discounts may apply on sizes indicated when for domestic use:

Kind and reference No.	Size groups 12 to 20		Size group 10	
	Washed	Unwashed	Washed	Unwashed
Black Creek—References 101, 102, 113, 114, 115, 194, 195, 118, 119, 196, 121, 122, 123, 197, 198.	*285	285	-----	-----
Pratt—References 179, 185, 190, 191, 192, 193.	275	275	270	-----
Cahaba—References 103, 104, 105, 107, 108, 109, 111, 112, 117, 178, 189.	*270	-----	270	-----
Empire and Hull—a mixture of 50% each of References 122 and 164.	270	-----	-----	-----
Blue Creek—Reference 187.	265	265	260	-----
Corona Group—References 175, 176, 177.	265	-----	-----	-----
Carbon Hill and Big Seam—References 150 to 174, inclusive, and 188.	245	-----	-----	-----

Kind and reference No.	Size groups 12 to 20		Size group 10	
	Washed	Unwashed	Washed	Unwashed
Black Creek—References 101, 102, 113, 114, 115, 194, 195, 118, 119, 196, 121, 122, 123, 197, 198.	*285	285	-----	-----
Pratt—References 179, 185, 190, 191, 192, 193.	275	275	270	-----
Cahaba—References 103, 104, 105, 107, 108, 109, 111, 112, 117, 178, 189.	*270	-----	270	-----
Empire and Hull—a mixture of 50% each of References 122 and 164.	270	-----	-----	-----
Blue Creek—Reference 187.	265	265	260	-----
Corona Group—References 175, 176, 177.	265	-----	-----	-----
Carbon Hill and Big Seam—References 150 to 174, inclusive, and 188.	245	-----	-----	-----

*References 101, 102, 103, 104, 106, 107, 108, 113, 114, 115 price may be 10 cents per ton less to other than lines buying through foreign agents.

Different price relationships exist between the various qualities of coals in Size Group 10 and Size Groups 12 to 20, inclusive, produced by Code Members in District No. 13 when such coals are for bunker use, according to the consumer acceptance.

There are 2 additional items in the Price Instructions and Exceptions providing for use classifications, to wit, Item 12, pages 3 and 4, defining the extent of the industrial use classifications covered by Size Group 11, and Item 19, page 5, setting forth railroad locomotive fuel prices.

Item 12, pages 3 and 4 of Price Instructions and Exceptions, provides that:

"The prices set out for Size Group 11 are applicable only for production of

power, for ceramic purposes, and for production of gas. They shall not apply to retail dealers, manufacturers or industries, when for resale to employees or to any other domestic consumer, nor for cooking, nor for heating apartments, hotels, hospitals, jails, courthouses, schools, theatres, stores and office buildings. Mines in Sub-Districts 3 and 4 may use prices shown for Size Group 6, instead of those shown for Size Group 11, when top size of coal does not exceed 2". Mines in Sub-District 1, Reference Nos. 101 to 149, inclusive, and References Nos. 178 and 189, shall not apply prices in this size group (Size Group 11) to any coal the top size of which is larger than 3".

Size Group 11 is an industrial use classification for prepared coals rather than a size group as it is designated for the purposes of convenience. This use classification is proposed to permit the mines having high grade coal in Sub-district 1, designated in the schedule by reference numbers 101 to 150, inclusive, and 178 and 189, to apply a price on double screened sizes with a top size not larger than 3" when used for industrial purposes, lower than when the same coal is used for domestic or commercial purposes. It also proposes to permit the low grade coals in Sub-districts 1 and 2 to apply a price on any screened or double screened coal of 1" or larger when such coal is used for industrial use, lower than when the same coal is used for commercial or domestic use. Likewise, all mines in Tennessee designated as Sub-districts 3 and 4, mine reference 600 to 672, inclusive, may apply a screened or double screened coal of 1" or larger size for industrial use at a price lower than when the same coal is applied for domestic or commercial use. The mines in the Tennessee group designated as Sub-districts 3 and 4, mine reference 600 to 672, inclusive, may apply prices applicable to Size Group 6 when double screened coal with top size not larger than 2" is sold for industrial use.

Item 19 of Price Instructions and Exceptions, page 5, provides that:

"Railroad locomotive fuel.—Prices in cents per net ton of 2,000 pounds for Railroad Locomotive Fuel:

*"Sub-Districts Nos. 1 and 2—*For all mines and all sizes customarily furnished, 220.

*"Sub-Districts Nos. 3 and 4—*For all mines and all sizes customarily furnished, 235."

Herbert S. Salmon, Chairman of District Board No. 13, adduced evidence to substantiate that the proposed classifications apply to the various kinds, qualities and sizes of coals produced by its Code Members as shown on pages 9 to 23, inclusive, of the schedule and the prices applicable to such classification as shown on pages 24 and 25 of the schedule, together with Price Instructions and Exceptions, are in the judgment of the

Members of the District Board, just and equitable as between Code Members within the District, and have due regard to the interests of the consuming public.

In the opinion of District Board No. 13, the schedule meets the requirements of the Act and the provisions of Order No. 249 of the Commission that such prices shall yield a return for the District equal as nearly as may be to the weighted average of the total cost per net ton for the tonnage of Minimum Price Area No. 3, wherein the District is located. The Board compiled a statement from a tabulation of the Statistical Division of the Commission showing the distribution by sizes for the year 1937 of approximately 7½ million tons of commercial coal in District No. 13, using the proposed prices applicable to the various sizes of coal and showing the average realization per ton if sold at those prices. The Board secured from mines which it deemed representative of the District statements of seasonal variations in shipment indicating the amount of coal to which seasonal discounts were applicable, and also statements of the percentages of lump, egg and nut coal which were normally used for steam. Corrections were made for seasonal discounts and for steam use, and the net realization per ton was determined. In order that the Board might have a better understanding of the percentage of the various size groups and the proportion of the return from each in relation to the total return per ton, percentages of various size groups and the proportion in each size group were calculated and tabulated (Exs. 602, 603). If sales are made at the prices proposed by the Board in its schedule, the Board estimates that the net realization will amount to \$2.49-plus per ton, or approximately 2¢ per ton higher than the weighted average cost of \$2.474 determined by the Commission for the Minimum Price Area.

The evidence establishes that within a reasonable range the level of prices as proposed in the schedule by District Board No. 13, Minimum Price Area No. 3, might be raised or lowered without affecting the relationship of the various coals included therein.

The schedule of District Board No. 13, Minimum Price Area No. 3, is herein modified, corrected and amended by the Commission, as follows:

Notes "A," "B," and "C" on the front cover page are deleted. Notes "B" and "C" are not in accordance with the Commission's Order No. 249 and refer to Section 4, Part II (b) of the Act rather than a proposal of minimum prices, under Section 4, Part II (a). In place of Note "A" the following is inserted:

NOTE.—The prices in this schedule are not the final prices that will be established on coal for shipment by Code Members within this district into consuming markets of this district. In the ultimate establishment of the effective minimum prices, pursuant to subsection (b) of Part II, Section 4 of the Act, the minimum prices in this schedule are

subject to such increase or decrease respectively, as may be necessary to carry out the provisions of subsections (a) and (b) of Section 4, Part II of the Act.

Item 3 on page 3 is deleted, and the following is inserted in its place, as testified to by witness Salmon:

"All size designations herein are for round hole screens or their equivalent except when otherwise designated. When other types of screens are used the District Board, subject to the approval of the Commission, shall determine the actual size designation of the coal so prepared."

Item 8 on page 3 is deleted and the following language is inserted for the purpose of clarification:

"When any size of coal is sold, in which the maximum top or bottom size exceeds the size scheduled, then such coal must be included in the next higher priced size group and priced accordingly."

Item 18 on page 4 is deleted, as the evidence shows that this proposed increase in price is due to methods of transportation and refers to Section 4, Part II (b) of the Act rather than a proposal of prices under Section 4, Part II (a).

That portion of Item 21 on page 6, referring to the Empire and Hull mixture, reading as follows, is deleted:

Kind and Reference No.	Size groups 12 to 20	Size group 10	
	Washed	Washed	Unwashed
Empire and Hull—a mixture of 50% each of References 122 and 164	270		

The evidence shows that the price was set from a point other than the loading facilities at the mines.

On page 7 the foot-note is deleted and the following language is inserted in place thereof for the purpose of clarification:

"When any size of coal is sold, in which the maximum top or bottom size exceeds the size scheduled above, then such coal must be included in the next higher priced size group and priced accordingly."

On pages 13 and 15 the following changes are made to correct mechanical and typographical errors as testified to by witness Salmon: Reference 636—Dick's Coal Mining Co. "R" is deleted under Size Group 9 and inserted under Size Group 10; and Reference 642—Hamilton Coal Mining Co. "LL" is deleted under Size Group 3 and inserted under Size Group 4.

The Stith Coal Company and the Sunlight Coal Company filed protests

with the Commission against the classifications proposed for their coals in the schedule of District Board No. 13, and a consolidated protest against a uniform locomotive fuel price of \$2.20 in sub-districts 1 and 2 of District No. 13 was filed by the Alabama By-Products Corporation, Alabama Fuel & Iron Company, Brilliant Coal Co., Cane Creek Mining Co., Franklin Coal Mining Co., Hammond Iron Co., Newcastle Coal Co., and Stith Coal Company.

The Protest of Stith Coal Company

The protest of Stith Coal Company against the classification proposed for its coals was withdrawn without prejudice. District Board No. 13 thereafter reviewed analytical information on coals produced by the Stith Coal Company at its Aldridge Drift Mine which it did not have at the time of proposal of its prices, and proposed that such coal should be classified as follows:

Size group	1	2	5	10	11	12	13	14	15	17
Classification.....	JJ	JJ	BB	M	L	H	H	H	I	I

The following changes are, therefore, made in the schedule:

Reference 190—Stith Coal Co.—Aldridge Drift

Size groups.....	5	10	11	12	13	14	15	17
Delete.....	AA	LJ	K	GJ	GJ	G	H	GJ
Insert.....	BB	MJ	L	HJ	HJ	H	I	IJ

Protest of Sunlight Coal Company

The evidence shows that the lump and egg sizes (Size Groups 1 and 2) produced by Sunlight Coal Company at its Sunlight mine should be priced 25¢ per net ton lower than shown in the schedule when more than 50% of such coals as loaded shall be stained coal, and must be properly identified as stained coal on all records pertaining thereto. According to the testimony in the record, stained coal is of inferior quality to unstained, and a 25¢ differential has existed between stained and unstained coals for a number of years.

At the time of the proposal of its prices District Board No. 13 did not have analytical information regarding 2" x 1" nut size produced by the Sunlight Coal Company at its Sunlight mine. The Board thereafter proposed that such coal should be priced 10¢ per net ton lower than as classified.

The following changes are, therefore, made in the schedule with reference to the Sunlight Coal Company:

Page 5.

Insert Item 18 as follows:

Block or Egg coal applicable to Size Group 1 or 2, produced by Sunlight Coal Co. at its Sunlight Mine (Reference 101) may be 25 cents less than the prices applicable to such sizes, when more than

50 percent of such coal, as contained in the transportation facility, is stained. All records pertaining to such coal shall identify it as "stained coal."

Page 22.

Reference 101—Sunlight Coal Company.—Insert "y" immediately following "R" in Size Group 5.

Page 4.

Delete Item 16, which reads as follows:

"For Sub-District No. 1 mines, 'x' indicates price applies for unwashed coal; 'j' indicates unwashed coal may be 10 cents less than price shown; 'k' indicates price applies to 2 x 3/4" size; 'n' indicates price applies to 4" top size; 'z' indicates 2 x 1" may be 25 cents less."

Insert in place thereof the following:

"For Sub-District No. 1 mines, 'x' indicates price applies for unwashed coal; 'j' indicates unwashed coal may be 10 cents less than price shown; 'k' indicates price applies to 2 x 3/4" size; 'n' indicates price applies to 4" top size; 'z' indicates 2 x 1" may be 25 cents less; 'y' indicates 2 x 1" may be 10 cents less."

Protest of Alabama By-Products Corporation, Et Al.

The protest of Alabama By-Products Corporation, et al. takes the position that the coals in Alabama classified as high grade, being coals of higher quality and having higher costs of production, should bear a differential of an additional 10¢ in sales to on-line railroads above the price of Big Seam or lower quality and lower cost of production coals, and that the differential should be 20¢ per ton to such off-line roads, in order to preserve existing fair opportunities and equality among producers in District No. 13. The protest is not directed against a price of \$2.20 for Big Seam coal.

The following reasons are urged against a uniform locomotive fuel price in Alabama:

(1) High grade coals have higher B. t. u. and lower ash contents than Big Seam, and therefore a greater market value for railroad fuel as well as for commercial steam purposes.

(2) Competition of high grade coals with Big Seam upon the same price basis, while having a higher B. t. u. and lower ash content, in sales of locomotive fuel beginning about 1930, has seriously hurt Big Seam producers and indications are that such competition will steadily increase.

(3) The Big Seam coals have a far lower weighted average cost of production than the high grade, even including the Pratt seam as Big Seam coal. The weighted average cost of Price Area No. 3 is alleged to be 2.474, Big Seam coals 2.29, and high grade Cahaba 2.64, and Black Creek coals 3.04.

(4) If high grade coals are permitted to compete with Big Seam in sales of locomotive fuel at the same price, the high grade producers will be granted

an unfair competitive advantage in that high grade producers can sell their coals in the general commercial steam market, while Big Seam producers have no general commercial steam markets of any consequence and no domestic market to speak of; hence, most of the mines involved of the protesting companies are dependent upon their railroad locomotive fuel business to enable them to continue operating.

(5) Sales by high grade producers of their coals at the prices proposed in the schedule will constitute dumping within the meaning of Section 4, Part II (a) of the Act in that such sales will be of coal incidentally produced at a price less than their fair market value.

The protest of Alabama By-Products Corporation, et al. is herein denied without prejudice, it appearing that:

(1) Although high grade coals in Alabama, for the most part, have a higher B. t. u. and lower ash content than the Big Seam coals in varying amounts, the evidence does not establish that high grade coals in District No. 13 generally have any greater market value for locomotive fuel use. On the other hand, it appears that Big Seam coals have a consumer acceptance as railroad fuel because of the higher fusion point of their ash.

(2) The evidence does not establish that high grade coals competing at the same price with the lower value Big Seam coals have been steadily displacing Big Seam coals as locomotive fuel, but rather that the decline in the sales of Big Seam coals in a great measure has been due to (a) the falling off of the locomotive fuel market in Alabama; (b) the increase in captive mining of Big Seam coals. On the other hand, it appears that Big Seam coals have maintained their dominance over the locomotive fuel market in Alabama in both open competition and competition regulated by law upon the same price basis as high grade coals, and it does not appear that a uniform locomotive fuel price in Alabama will cause any undue or unreasonable shift in tonnage by the railroads.

(3) Section 4, Part II (a) of the Act does not require that coals be given different price classifications because their costs of production are not the same.

(4) The fact that high grade coal producers can use locomotive fuel as an outlet, whereas Big Seam producers must depend upon locomotive fuel as their principal source of business does not mean that a uniform locomotive fuel price is not "just and equitable as between producers within the district" within the intent of Section 4, Part II (a) of the Act.

(5) It does not appear that sales of high grade coals will be in disregard of their fair market value.

Realization

Based upon the distribution of the various classifications and sizes of coals in

District No. 13 during 1937, the prices proposed by the Board, as modified by the Commission, will yield a return of approximately 2.5435 per net ton (Ex. 612). Such realization is .0695 higher than the determined weighted average cost of Price Area No. 3, to wit, \$2.474. According to the evidence, a change in the level of prices in the schedule of the District Board will not affect the just and equitable price relationships between the various kinds, qualities and sizes of the Code Members' coals. Therefore, by reducing each price in the schedule as modified, supra, by the Commission by 5¢ per ton, the prices will yield a return as nearly as may be to the weighted average cost of Price Area No. 3. The following changes are accordingly made in the schedule of the District Board:

Page 5, Item 19.

Railroad locomotive fuel.—Reduce price shown for Sub-districts 1 and 2 from \$2.20 to \$2.15. Reduce price shown for Sub-districts 3 and 4 from \$2.35 to \$2.30.

Page 6, Item 20.

Blacksmith coal.—Reduce all prices 5 cents per ton.

Page 6, Item 21.

Bunker coal.—Reduce all prices 5 cents per ton.

Pages 24 and 25.

Prices in cents per net ton of 2000 pounds and Size Group Numbers.—Reduce all prices shown on both pages 5 cents.

Recapitulation

The Commission finds that the estimated production of coal in District No. 13, Minimum Price Area No. 3, allowing for reductions for seasonal discounts and steam uses, will yield as follows, upon the basis of the minimum prices established by the Commission:

	Net tons	Realization	Per ton
Realization from Prices Proposed—Shipments reported by rail-connected mines on Form D-1:			
Gross realization from base prices	7,627,440	\$19,260,297	\$2.5687
Deductions for seasonal discounts		163,402	
Deductions for steam uses		31,958	
Balance, net realization	7,627,440	19,064,937	2.5327
Shipments reported by truck mines on Form D-2	200,050	583,963	2.9191
Additional credits from treated coal (oil, wax, calcium chloride, etc. 38,854 tons at 15 cents per ton)		5,828	
Total shipments	7,727,490	19,654,728	2.5435

Tonnage Accounted for
 Priced coal, as shown above..... 7,727,490
 Unpriced coal:
 Coal sold to mine employees..... 90,283
 Mine Fuel..... 71,344

Unpriced coal—continued.

Made into beehive coke, briquets, etc.	25,645
Captive coal, not priced (principally coal for by-product coke ovens)	4,988,135
Other tonnage not priced, D-1	20,626
Other tonnage not priced, D-2	73,283
Inventory adjustments and not accounted for	-18,483
Grand total	12,978,323

Summation

Upon the basis of the evidence in the record and the foregoing facts found to exist, the Commission finds that the Board for District No. 13, Minimum Price Area No. 3, pursuant to Order No. 249 of the Commission, proposed minimum prices free on board transportation facilities at the mines for the kinds, qualities and sizes of coal produced within the District, and a classification of coal and price variations as to mines and consuming market areas.

The Board for District No. 13, Minimum Price Area No. 3, pursuant to Order No. 249 of the Commission, submitted to the Commission a schedule of such proposed minimum prices, together with the data upon which the prices were computed, including but without limitation, the factors considered in determining the price relationships.

The minimum prices proposed by the Board for District No. 13, Minimum Price Area No. 3, as herein modified by the Commission, reflect as nearly as possible, the relative market value of the various kinds, qualities and sizes of coal produced within the District; are just and equitable between producers within the District; have due regard to the interests of the consuming public; and do not permit dumping.

The minimum prices proposed by the Board for District No. 13, Minimum Price Area No. 3, as herein modified by the Commission, yield a return per net ton for the District equal as nearly as may be to the weighted average of the total costs, per net ton, of the tonnage of Minimum Price Area No. 3.

The schedule of minimum prices of District Board No. 13, Minimum Price Area No. 3, as modified herein by the Commission, conforms to Order No. 249 of the Commission and to the requirements of Section 4, Part II (a) of the Act and as so modified, is hereby approved by the Commission to serve as a basis for coordination under Section 4, Part II (b) of the Act.

A copy of the corrected and amended schedule of District Board No. 13, Minimum Price Area No. 3, is annexed to this report and made a part hereof.

APPENDIX FOR DISTRICT NO. 13

SCHEDULE OF MINIMUM PRICES AS MODIFIED AND APPROVED TO SERVE AS A BASIS FOR COORDINATION

NOTE.—The prices in this schedule are not the final prices that will be established on coal for shipment by Code Members within this district into consuming markets of this district. In the ultimate establish-

ment of the effective minimum prices, pursuant to subsection (b) of Part II, Section 4 of the Act, the minimum prices in this schedule are subject to such increase or decrease respectively, as may be necessary to carry out the provisions of subsections (a) and (b) of Part II, Section 4 of the Act.

F. W. McCULLOUGH,
Secretary.

Issued January 6, 1939.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. Schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the uniform marketing rules and regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens or their equivalent except when otherwise designated. When other types of screens are used the District Board, subject to the approval of the Commission, shall determine the actual size designation of the coal so prepared.

4. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in U. S. funds.

5. All prices herein are per net ton of 2,000 pounds, f. o. b. transportation facilities at the mines unless otherwise designated.

6. When coal is subjected to any chemical, oil or waxing process an additional charge of not less than 15 cents per net ton shall be made.

7. Prices shown in Size Group 16, for Sub-Districts Nos. 3 and 4 mines, cover regular 2 x 0" Nut and Slack. Where mines make a specially prepared 2" Nut and Slack coal with part of the fines removed, each car of such specially prepared 2" Nut and Slack coal must contain not less than 40% of slack coal including intermediate coal from washer which will pass through a 3/4" screen. This coal shall take the washed coal price of 2 x 0".

8. When any size of coal is sold, in which the maximum top or bottom size exceeds the size scheduled, then such coal must be included in the next higher priced size group and priced accordingly.

9. An extra charge of \$2.50 per car must be made for loading mixed cars.

10. Any mine of a Code Member whose mine classification is not shown herein shall take the same classification as adjacent mines operating in the same seam.

11. When application of seasonal discounts to Size Groups 1 to 6, inclusive, makes the prices lower than for Size Group 11, the lower prices may apply to Size Group 11.

12. The prices set out for Size Group 11 are applicable only for production of power, for ceramic purposes, and for production of gas. They shall not apply to retail dealers, manufacturers or industries, when for resale to employees or to any other domestic consumer, nor for

cooking, nor for heating apartments, hotels, hospitals, jails, courthouses, schools, theatres, stores and office buildings. Mines in Sub-Districts 3 and 4 may use prices shown for Size Group 6, instead of those shown for Size Group 11, when top size of coal does not exceed 2". Mines in Sub-District 1, Reference Nos. 101 to 149, inclusive, and References Nos. 178 and 189, shall not apply prices in this size group (Size Group 11) to any coal the top size of which is larger than 3".

13. For all mines in Sub-Districts Nos. 3 and 4 the prices shown are for unwashed coal; washed coal shall be 10 cents per ton higher than unwashed coal.

14. For all mines in Sub-District No. 1 prices for Size Groups 3 to 20, inclusive, are for washed coal, except as otherwise noted.

15. The prices set out for mines in Sub-District No. 2 are for unwashed coal. The following increases over prices shown shall apply to washed coal:

Subdistrict	References	Sizes	April	May	June	July	August		September	
							1-15	16-31	1-15	16-30
1	101 to 149	1 to 5	100	85	70	55	40	30	20	10
1	150 to 199	1 to 5	40	30	20	15	10	10	05	05
2	200 to 399	1 to 5	75	75	50	50	25	25	25	25
2	200 to 399	7, 8, 10	30	30	20	20	10	10	10	10
2	400 to 599	1 to 5	45	45	30	15	15	15	15	15
2	400 to 599	7, 8, 10	30	30	20	10	10	10	10	10
3 and 4	600 to 699	1 to 4		50	40	30	20	20	10	10

18. Block or Egg coal applicable to Size Group 1 or 2, produced by Sunlight Coal Co. at its Sunlight Mine (Reference 101) may be 25 cents less than the prices applicable to such sizes, when more than 50 percent of such coal, as contained in the transportation facility, is stained. All records pertaining to such coal shall identify it as "stained coal".

19. Railroad locomotive fuel.—Prices in cents per net ton of 2,000 pounds for Railroad Locomotive Fuel:

Sub-Districts Nos. 1 and 2—For all mines and all sizes customarily furnished, 215.

Sub-Districts Nos. 3 and 4—For all mines and all sizes customarily furnished, 230.

20. Blacksmith coal.—Prices in cents per net ton of 2,000 pounds on Special Blacksmith Coal:

Reference	Mine	Price in cents
197	Bradford	420
198	Thermal	420
117	Boothton	420
188	Porter	420
196	Carbon	420
187	Johns	420
602	Durham	395
604	Coalmont	395
605	Niack	395
606	Palmer	395
608	Whitwell	395

21. Bunker coal.—Prices in cents per net ton of 2,000 pounds, applicable to all coal moving on Bunker Coal Freight Rates:

References	Size groups				
	5	7	8	15	17
228 to 333, 439 to 485	20	10	10	10	15
334 to 337	20	25	25	100	100
400 to 409	10		25	20	25
486 to 487, 338 to 341, 200 to 226	20	25	25	70	75
410 to 438, 521 to 534	20	20	20	35	50
342 to 354	20	25	25	10	15
355 to 356	20	25	25	25	25
227	20	25	25	10	15
488 to 520	10	15	15	20	25

16. For Sub-District No. 1 mines, "x" indicates price applies for unwashed coal; "j" indicates unwashed coal may be 10 cents less than price shown; "k" indicates price applies to 2" x 3/4" size; "n" indicates price applies to 4" top size; "z" indicates 2" x 1" may be 25 cents less; "y" indicates 2" x 1" may be 10 cents less.

17. The following seasonal discounts may apply on sizes indicated when for domestic use:

Kind and Reference No.	Size groups 12 to 20		Size group 10	
	Washed	Washed	Washed	Unwashed
Black Creek—References 101, 102, 113, 114, 115, 194, 195, 118, 119, 196, 121, 122, 123, 197, 198	*280	280		
Pratt—References 179, 185, 190, 191, 192, 193	270	270	265	
Cahaba—References 103, 104, 105, 107, 108, 109, 111, 112, 117, 178, 189	*265		265	
Blue Creek—Reference 187	260	260	255	
Corona Group—References 175, 176, 177	260			
Carbon Hill and Big Seam—References 150 to 174, inclusive and 188	240			

*References 101, 102, 103, 104, 106, 107, 108, 113, 114, 115 price may be 10 cents per ton less to other than lines buying through foreign agents.

Alphabetical List of Code Members Showing Price Classification by Sizes for All Uses

Reference	Code member	Mine name	Subdist.	Seam	Price classifications and size group Nos.															
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
211	Acton Coal Company	Acton Basin	2	Moyle	R	R														
400	Akridge & Jones	A&J	2	America																
162	Alabama By-Products Corp.	Barney	1	Mary Lee																
197	Alabama By-Products Corp.	Bradford	1	Black Creek																
168	Alabama By-Products Corp.	Colta	1	Mary Lee																
174	Alabama By-Products Corp.	Praco	1	Mary Lee																
157	Alabama By-Products Corp.	Samoset	1	Mary Lee																

See footnotes at end of table.

Size Groupings Description

Size Group No. 1.—Screened coal, bottom size larger than 2"

Size Group No. 2.—Double screened coal, maximum top size 6"

Size Group No. 3.—Double screened coal, maximum top size 5", maximum bottom size 2"

Size Group No. 4.—Screened coal, maximum bottom size 2"

Size Group No. 5.—Double screened coal, maximum top size 3", maximum bottom size 1 1/2"

Size Group No. 6.—Double screened coal, maximum top size 2", maximum bottom size 1"

Size Group No. 7.—Double screened coal, maximum top size 3", maximum bottom size 1/2"

Size Group No. 8.—Double screened coal, maximum top size 1 1/2", maximum bottom size 1/2"

Size Group No. 9.—Double screened coal, maximum top size 3/4", maximum bottom size 3/8"

Size Group No. 10.—Mine Run, straight or modified; no fines removed

Size Group No. 11.—Screened or double screened coal, bottom size 1" or larger

Size Group No. 12.—Resultant 6 x 0"

Size Group No. 13.—Resultant 5 x 0"

Size Group No. 14.—Resultant 4 x 0"

Size Group No. 15.—Resultant 3 x 0"

Size Group No. 16.—Resultant 2 x 0"

Size Group No. 17.—Resultant 1 1/2 x 0"

Size Group No. 18.—Resultant 1 1/4 x 0", 1 x 0"

Size Group No. 19.—Resultant 3/4 x 0", 5/8 x 0", 1/2 x 0"

Size Group No. 20.—Resultant 3/8 x 0" and smaller

When any size of coal is sold, in which the maximum top or bottom size exceeds the size scheduled above, then such coal must be included in the next higher priced size group and priced accordingly.

Identification of Subdistrict Numbers Identification

Subdistrict No. 1.—Alabama Rail Connected Mines.

Subdistrict No. 2.—Alabama Truck Mines.

Subdistrict No. 3.—Tennessee-Georgia Rail Connected Mines.

Subdistrict No. 4.—Tennessee-Georgia Truck Mines.

Alphabetical List of Code Members Showing Price Classification by Sizes for All Uses—Continued

Reference	Code member	Mine name	Subdist.	Seam	Price classifications and size group Nos.																			Seam	Subdist.	Mine name	Code member	Reference																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
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420	Ellis & Gilliland	Ellis	2	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10

See footnotes at end of table.

Alphabetical List of Code Members Showing Price Classification by Sizes for All Uses—Continued

Reference	Code member	Mine name	Subdist.	Seam	Price classifications and size group Nos.															Seam	Code member	Mine name	Subdist.	Price classifications and size group Nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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472	Moreland, John	John Moreland	Jefferson	T	T	W	S	G	I	H	D	S	N	N	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E	O	W	H	E	E

Prices for Shipment Into All Market Areas—Continued

Price classification	Prices in cents per net ton of 2,000 pounds and size group numbers																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Q.....	400	400	400	400	345	315	265	265	215	240	240	215	215	215	205	205	140	130	125	125
R.....	395	395	395	395	340	310	260	260	210	235	235	210	210	210	200	200	135	125	120	115
S.....	390	390	390	390	335	305	255	255	205	230	230	205	205	205	195	195	130	120	115	110
T.....	385	385	385	385	330	300	250	250	200	225	225	200	200	200	190	190	125	115	110	105
U.....	380	380	380	380	325	295	245	245	195	220	220	195	195	195	185	185	120	110	105	100
V.....	375	375	375	375	320	290	240	240	190	215	215	190	190	190	180	180	115	105	100	95
W.....	370	370	370	370	315	285	235	235	185	210	210	185	185	185	175	175	110	100	95	90
X.....	365	365	365	365	310	280	230	230	180	205	205	180	180	180	170	170	105	95	90	85
Y.....	360	360	360	360	305	275	225	225	175	200	200	175	175	175	165	165	100	90	85	80
Z.....	355	355	355	355	300	270	220	220	170	195	195	170	170	170	160	160	95	85	80	75
AA.....	350	350	350	350	295	265	215	215	165	190	190	165	165	165	155	155	90	80	75	70
BB.....	345	345	345	345	290	260	210	210	160	185	185	160	160	160	150	150	85	75	70	65
CC.....	340	340	340	340	285	255	205	205	155	180	180	155	155	155	145	145	80	70	65	60
DD.....	335	335	335	335	280	250	200	200	150	175	175	150	150	150	140	140	75	65	60	55
EE.....	330	330	330	330	275	245	195	195	145	170	170	145	145	145	135	135	70	60	55	50
FF.....	325	325	325	325	270	240	190	190	140	165	165	140	140	140	130	130	65	55	50	45
GG.....	320	320	320	320	265	235	185	185	135	160	160	135	135	135	125	125	60	50	45	40
HH.....	315	315	315	315	260	230	180	180	130	155	155	130	130	130	120	120	55	45	40	35
II.....	310	310	310	310	255	225	175	175	125	150	150	125	125	125	115	115	50	40	35	30
JJ.....	305	305	305	305	250	220	170	170	120	145	145	120	120	120	110	110	45	35	30	25
KK.....	300	300	300	300	245	215	165	165	115	140	140	115	115	115	105	105	40	30	25	20
LL.....	295	295	295	295	240	210	160	160	110	135	135	110	110	110	100	100	35	25	20	15
MM.....	290	290	290	290	235	205	155	155	105	130	130	105	105	105	95	95	30	20	15	10
NN.....	285	285	285	285	230	200	150	150	100	125	125	100	100	100	90	90	25	15	10	5
OO.....	280	280	280	280	225	195	145	145	95	120	120	95	95	95	85	85	20	10	5	0
PP.....	275	275	275	275	220	190	140	140	90	115	115	90	90	90	80	80	15	5	0	0
QQ.....	270	270	270	270	215	185	135	135	85	110	110	85	85	85	75	75	10	0	0	0
RR.....	265	265	265	265	210	180	130	130	80	105	105	80	80	80	70	70	5	0	0	0
SS.....	260	260	260	260	205	175	125	125	75	100	100	75	75	75	65	65	0	0	0	0
TT.....	255	255	255	255	200	170	120	120	70	95	95	70	70	70	60	60	0	0	0	0
UU.....	250	250	250	250	195	165	115	115	65	90	90	65	65	65	55	55	0	0	0	0
VV.....	245	245	245	245	190	160	110	110	60	85	85	60	60	60	50	50	0	0	0	0
WW.....	240	240	240	240	185	155	105	105	55	80	80	55	55	55	45	45	0	0	0	0
XX.....	235	235	235	235	180	150	100	100	50	75	75	50	50	50	40	40	0	0	0	0
YY.....	230	230	230	230	175	145	95	95	45	70	70	45	45	45	35	35	0	0	0	0
ZZ.....	225	225	225	225	170	140	90	90	40	65	65	40	40	40	30	30	0	0	0	0

Alphabetical List of Code Members Showing Price Classification by Sizes for All Uses—Continued

No. 7	Reference	Code member	Mine name	Subdist.	Seam	Price classifications and size group Nos.																			
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
516		Tombrello, Joe (Tombrello C. Co.).	Tombrello	2	Pratt	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
248		Trimble, J. T.	J. T. Trimble	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
481		Tucker, S. C.	Tucker's	2	Corona	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
671		Tudor & Powell	Tudor	4	Sewanee	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
672		Turner, Jim	Turner	4	Sewanee	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
416		Twin Seam Mining Co.	#5 Seales	2	Brookville	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
215		Vincent & May Co.	V & M	2	Thompson	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
349		Walker, B. K.	Walker	2	Underwood	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
471		Walker, M. E.	M. E. Walker	2	Collins	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
469		Walker Coal Co., M.	M. V. Walker	2	Collins	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
463		Ward, H. W.	Warrior B. O.	2	Carters	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
813		Wasley Coal Co.	Wasley	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
484		Watson Coal Co.	Watson	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
486		Watsonville C. & I. Co.	No. 1 and 2	2	Middle	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
273		Weeks, J. T.	Weeks	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
274		Weeks, M. Alexander	M. Weeks	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
314		White & Alexander C. Co.	White	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
607		Whitwell Coal Corp.	Dans	2	Sewanee	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
335		Williams & Oglesby	Lucile	2	Woodstock	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
324		Williams, Homer & John Poore	Lovelady #1	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
275		Wilson, Bill	Wilson	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
626		Wilson, C. F.	Wilson #2	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
626		Wilson, J. E.	J. Armstrong	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
816		Wilson Coal Co., R.	R. Wilson	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
817		Wingo & Powell Co.	W. & P.	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
402		Winn & Bryan	Winn	2	America	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
225		Winslett & Sons, H. M.	Brewer's	2	Wadsworth	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
276		Wood, Leon	Wood	2	Black Creek	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
182		Woodward Iron Co.	Dolomite	1	Pratt	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
184		Woodward Iron Co.	Mulga	1	Pratt	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
		1 K.K.	1 RR.	1 Lx.	19 Kf.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	19 Kl.	
		2 M.M.	2 EE.	2 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	20 Hx.	
		3 CO.	3 BB.	3 IX.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	21 Mx.	
		4 SS.	4 NN.	4 IX.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	22 GG.	
		5 HH.	5 LL.	5 PP.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	23 LL.	
		6 JJ.	6 DD.	6 EE.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	24 SI.	
		7 K.K.	7 RR.	7 Lx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	25 Hx.	
		8 M.M.	8 EE.	8 Hx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	26 Mx.	
		9 CO.	9 BB.	9 IX.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	27 NN.	
		10 HH.	10 LL.	10 PP.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	28 LL.	
		11 JJ.	11 DD.	11 EE.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	29 SI.	
		12 K.K.	12 RR.	12 Lx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	30 Hx.	
		13 M.M.	13 EE.	13 Hx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	31 Mx.	
		14 CO.	14 BB.	14 IX.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	32 NN.	
		15 HH.	15 LL.	15 PP.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	33 LL.	
		16 JJ.	16 DD.	16 EE.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	34 SI.	
		17 K.K.	17 RR.	17 Lx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	35 Hx.	
		18 M.M.	18 EE.	18 Hx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	36 Mx.	
		19 CO.	19 BB.	19 IX.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	37 NN.	
		20 HH.	20 LL.	20 PP.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	38 LL.	
		21 JJ.	21 DD.	21 EE.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	39 SI.	
		22 K.K.	22 RR.	22 Lx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	40 Hx.	
		23 M.M.	23 EE.	23 Hx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	41 Mx.	
		24 CO.	24 BB.	24 IX.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	42 NN.	
		25 HH.	25 LL.	25 PP.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	43 LL.	
		26 JJ.	26 DD.	26 EE.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	44 SI.	
		27 K.K.	27 RR.	27 Lx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	45 Hx.	
		28 M.M.	28 EE.	28 Hx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	46 Mx.	
		29 CO.	29 BB.	29 IX.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	47 NN.	
		30 HH.	30 LL.	30 PP.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	48 LL.	
		31 JJ.	31 DD.	31 EE.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	49 SI.	
		32 K.K.	32 RR.	32 Lx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	50 Hx.	
		33 M.M.	33 EE.	33 Hx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	51 Mx.	

NECTED THEREWITH, ON THE ROUTE
BETWEEN SAN FRANCISCO, CALIFORNIA,
AND HONG KONG, CHINA

NOTICE OF CONTINUANCE OF HEARING

JANUARY 11, 1939.

The above-entitled proceeding heretofore set for public hearing on January 16, 1939, is continued to January 31, 1939, 10 o'clock a. m. (eastern standard time) at the offices of the Civil Aeronautics Authority (Hearing Room No. 5044) in Washington, D. C., before the Authority. By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-141; Filed, January 11, 1939;
11:56 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5533]

APPLICATION OF OTTER TAIL POWER
COMPANY

ORDER FIXING DATE OF HEARING

JANUARY 10, 1939.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

Upon application filed November 14, 1938, by Otter Tail Power Company, a Minnesota corporation, having its office and principal place of business at 125 South Mill Street, Fergus Falls, Minnesota, for authorization pursuant to Section 204 of the Federal Power Act to issue four shares of Special Common Stock of the par value of \$1.00 per share for, and in conversion of, each share of Special Common Stock without par value outstanding, and four shares of Founders Common Stock of the par value of \$1.00 per share for, and in conversion of each share of Founders Common Stock without par value outstanding, such issuance to be accomplished pursuant to an amendment of its articles of incorporation; or for an order dismissing said application for want of jurisdiction;

The Commission orders that: A public hearing on said application be held on January 25, 1939, beginning at 10:00 o'clock a. m., in the Regional Office of the Commission, Room 988, Merchandise Mart, Chicago, Illinois.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-131; Filed, January 11, 1939;
10:00 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before
Federal Trade Commission

[Docket No. 3685]

IN THE MATTER OF UNITED STATES RUBBER COMPANY AND U. S. TIRE DEALERS CORPORATION, RESPONDENTS

COMPLAINT

Pursuant to the provisions of an Act of Congress, approved October 15, 1914,

entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (U. S. C. Title 15, section 13, the Clayton Act), as amended, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that the above named respondents, and each of them, have violated the provisions of subsections (a) and (d) of Section 2 of said Act, as amended, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent United States Rubber Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with principal office and place of business located at 1790 Broadway, New York, New York. Said respondent is engaged chiefly in the business of producing, manufacturing, distributing and selling rubber and rubber products of many kinds, including automotive vehicle tire casings and tubes (hereinafter referred to as "tires"). Said business was formerly carried on by said respondent directly under its own name, but since 1935 said respondent has produced, manufactured, distributed and sold said products chiefly by and through certain wholly owned (or controlled through 100% voting stock ownership) subsidiary corporations, some of which in turn own or control through voting stock ownership still other operating companies.

PAR. 2. The principal operating subsidiary of respondent United States Rubber Company engaged in the manufacture and sale of tires is United States Rubber Products, Inc. (hereinafter referred to as "Products Corporation"), a Delaware Corporation organized (under a different name) in 1928. All of the capital stock of said corporation is owned by said respondent. Its principal office is located in said respondent's office building at 1790 Broadway, New York City, and the presidents, first vice presidents, secretaries, treasurers and comptrollers, respectively, of the two companies are the same persons. Most of the tires manufactured and sold by said respondent in the United States are manufactured and sold by it through and by the instrumentality of said Products Corporation. The production, merchandising and pricing policies of said Products Corporation are determined, dictated and controlled by said respondent.

PAR. 3. Respondent owns all of the capital stock of Meyer Rubber Company, a corporation. Meyer Rubber Company owns approximately sixty-three per cent of the voting stock of Gillette Rubber Company (hereinafter referred to as "Gillette"), a Wisconsin corporation with principal office located at Eau Claire in that State. Meyer Rubber Company also owns all of the voting stock of the Samson Corporation (subject to the right of holders of the Samson Corporation 6% non-cumulative preferred stock

to vote when no dividends have been paid for more than one year, which right, when in effect, reduces the voting power held by Meyer Rubber Company to about fifty-eight per cent). Meyer Rubber Company and the Samson Corporation own about ninety-eight per cent of the voting stock of Samson Tire and Rubber Corporation (hereinafter referred to as "Samson"), a Delaware corporation with principal office located in Los Angeles, California. Both Gillette and Samson are engaged in the business of manufacturing and selling tires. Respondent United States Rubber Company, through the exercise of voting power held as above stated, has the power to and does determine, dictate and control the production, merchandising and pricing policies of Gillette and of Samson.

PAR. 4. Respondent U. S. Tire Dealers Corporation (hereinafter referred to as "Dealers Corporation") is a corporation organized in 1936 and existing and doing business under and by virtue of the laws of the State of Delaware, with principal office located at 1790 Broadway, New York, New York. All of the capital stock of said respondent is owned by respondent United States Rubber Company. Said Dealers Corporation is an operating subsidiary of United States Rubber Company, being engaged chiefly in the distribution and sale of rubber products, including tires, manufactured by other corporations owned or controlled by United States Rubber Company. Tires are distributed and sold by said Dealers Corporation to tire jobbers, distributors and dealers (both wholesalers and retailers), through company owned stores, and to consumers. The merchandising and pricing policies of said Dealers Corporation are determined, dictated and controlled by respondent United States Rubber Company; and the presidents, secretaries, treasurers and comptrollers, respectively, of said respondents are the same persons.

PAR. 5. Respondent United States Rubber Company, together with its said subsidiaries, is one of the four largest manufacturers of tires in the United States. The three principal outlets to and through which said respondent, through its subsidiaries, sells and distributes its tires are (1) manufacturers of automotive vehicles using tires for original equipment and spares, (2) certain wholesalers, mail order houses and retail store chains for whom tires are manufactured by respondent and who resell the same under their own private brands or trademarks, (3) wholesale and retail tire dealers and service stations, numbering many thousand, located in many cities and towns throughout the United States. Sale to such tire dealers of tires bearing respondents' brands are made by respondent Dealers Corporation pursuant to "distributor sales agreements" and "service station dealer sales agreements," entered into from year to year, which provide that tires will be

sold to the distributor or dealer at the prices shown in said respondents' current price list known as "United States Prices," less certain trade, functional, quantity and volume discounts.

PAR. 6. In the course and conduct of their respective businesses said respondents, and each of them (United States Rubber Company through its said subsidiaries), transport tires, or cause the same to be transported, from the places where such tires are manufactured or stored to their customers and purchasers thereof located in other states of the United States and the District of Columbia; and there is and has been at all times herein mentioned a current of trade and commerce in respondents' tires between the states wherein respondents' factories or warehouses are located and various other states of the United States. Said tires are sold by said respondents for use, consumption or resale within the United States and the District of Columbia.

PAR. 7. Respondents distribute and sell tires in the same territories and places as, and in competition with, various other persons and corporations engaged in the manufacture and sale of tires. Through the stores owned and operated by respondent Dealers Corporation in some twenty cities in the United States, respondents compete in the sale of tires with independent wholesale and retail tire dealers doing business in the same sales territories. The wholesalers, mail order houses and retail store chains which purchase tires from respondent United States Rubber Company and its subsidiaries under private brands or trademarks resell such tires in many parts of the United States in competition with other tire dealers selling United States brands of tires. Competition also exists in many places in the resale of respondents' tires at retail between customers purchasing such tires as "distributors" (and service stations of oil companies which purchase as distributors), and "service station dealers" and other retailers purchasing tires from respondents or their distributors.

PAR. 8. In the course and conduct of its interstate business above described, respondent United States Rubber Company, through its subsidiaries Products Corporation, Gillette and Samson, sells and has sold large quantities of tires to Montgomery Ward & Company, Inc., Atlas Supply Company, Western Auto Supply Company, Western Auto Supply Agency of Los Angeles, and Arkansas Fuel Oil Company, bearing brands, markings and designs specified, respectively by said purchasers. Each of said purchasers resells such tires, and offers the same for resale, throughout the United States or in large territories therein, in substantial competition with other dealers in tires manufactured by said respondent under its own brands and by other manufacturers. Said respondent has since June 19, 1936, sold such special brand tires to said named

purchasers, respectively, and has entered into contracts with each of them for the sale of such tires, at prices different and lower than the prices charged and allowed by it to other purchasers of its tires of like grade and quality bearing its own brands. By so doing respondent has discriminated in price between each of said named purchasers and other purchasers of its tires.

PAR. 9. The effect of the discrimination in price described in Paragraph Eight hereof has been and may be substantially to lessen competition and tend to create a monopoly in the line of commerce in which respondent United States Rubber Company and its subsidiaries are engaged, and in the line of commerce in which the purchasers from respondent named in said Paragraph Eight are engaged; and to injure, destroy and prevent competition with said respondent and its manufacturing subsidiaries, and with their said named customers, in the sale and distribution of tires.

PAR. 10. Respondents in the course and conduct of their said business since June 19, 1936, have sold tires bearing respondents' brands to different purchasers at substantially differing prices resulting from the allowance to some purchasers of various discounts, commissions and/or rebates which have not been allowed to all purchasers. Respondents sell, have sold, and have entered into contracts for the sale of their tires to certain dealers, oil companies and others purchasing such tires in large quantities or volume at prices different and lower (after deducting the amounts of such discounts, commissions and rebates) than the prices charged and allowed by them for tires of the same grade and quality to other customers whose purchases or requirements are smaller in amount. By so doing respondents have discriminated in price between such large purchasers and other purchasers of their tires. Said large purchasers have knowingly received the benefit of such discrimination. In many places and territories said large dealers compete in the resale of respondents' tires at retail and to commercial accounts with others of respondents' customers not receiving the benefit of such lower net prices; and service stations operated by or purchasing such tires from said oil companies resell the same at retail in many localities in competition with tire dealers purchasing directly from respondents and with their customers.

PAR. 11. The effect of the discrimination in price described in Paragraph Ten hereof has been and may be substantially to lessen competition and tend to create a monopoly in the line of commerce in which respondents are engaged, and to injure, destroy and prevent competition with respondents and with their customers receiving the benefit of said discrimination and with the customers of respondents' said customers who have

knowingly received the benefit of said discrimination.

PAR. 12. In the course and conduct of their said business respondents have offered for sale and sold their tires, since June 19, 1936, through retail stores owned and operated by respondents in twenty or more of the principal cities in the United States. In the conduct of such business said stores are engaged in competition with other retail tire dealers in their respective sales territories. Through said stores respondents have sold and offered to sell tires to certain users and consumers thereof, including so-called "commercial accounts", at prices different and lower than the prices charged other retail purchasers for tires of the same grade and quality, thereby discriminating in price between such purchasers.

PAR. 13. The effect of the discrimination in price described in Paragraph Twelve hereof has been and may be substantially to injure, destroy and prevent competition with respondents in the retail distribution and sale of tires in the sales territories where their company owned stores are located.

PAR. 14. In the course and conduct of their said business respondents having entered into contracts for the sale of their tires, which contracts are now in force, and have sold large quantities of such tires thereunder to certain corporations principally engaged in the distribution and sale of oil and petroleum products but also engaging in the sale of automobile equipment and accessories. The tires purchased by said oil companies are marketed by them chiefly through oil and gasoline stations either owned and operated by them or leased by them to the operators. Said oil companies purchase tires from respondents on terms, as to trade, functional, quantity and volume discounts allowed, at least as favorable as the best terms accorded by respondents to wholesale tire dealers. Respondents have contracted for the payment and have paid to certain of said oil companies, since June 19, 1936, in addition to the allowance of the aforementioned discounts, a commission of seven and one-half per cent ($7\frac{1}{2}\%$) (formerly five per cent (5%)) on sales to jobbers) on sales of tires by respondents and their distributors to operators of oil stations and jobbers selling the petroleum products of said oil companies, as compensation and in consideration for the services of such oil companies in connection with such sales, where such sales are secured through the influence and merchandising assistance of said oil companies. Respondents have contracted to pay and have paid, and are now following the practice of paying such "overriding" commissions, amounting to substantial sums of money, to their following customers, among others: Socony-Vacuum Oil Company, Inc., and its operating subsidiaries and affiliates; American Oil Company; Pan-American Petroleum Corporation; Tide Water As-

sociated Oil Company. The said agreements for the payment of such commission to said named customers apply to sales made by respondents to more than 2800 service stations widely distributed throughout the greater part of the United States. Such commission and the payment thereof in consideration for such services are not available on proportionally equal terms to all other customers of respondents competing with said oil companies in the distribution of such tires.

Wherefore, the premises considered, the Federal Trade Commission on this 6th day of January, 1939, issues its complaint against said respondents.

NOTICE

Notice is hereby given you, United States Rubber Company and U. S. Tire Dealers Corporation, respondents herein, that the 10th day of February, A. D., 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you, and each of you, will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the

complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts to admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 6th day of January, A. D., 1939.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-130; Filed, January 10, 1939; 3:21 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3520]

IN THE MATTER OF W. H. BARNARD, AN INDIVIDUAL, TRADING AS W. H. BARNARD RUBBER COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U. S. C. A. Section 41),

It is ordered, That Edward E. Rear-don, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 7, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 108, New Custom House, Fourth and Chestnut Streets, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the exam-

iner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-132; Filed, January 11, 1939; 10:47 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3593]

IN THE MATTER OF DEARBORN SUPPLY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, February 10, 1939, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-133; Filed, January 11, 1939; 10:47 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3668]

IN THE MATTER OF COMMONWEALTH PUBLISHING COMPANY, A CORPORATION
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 30, 1939, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-134; Filed, January 11, 1939; 10:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of January 1939.

[File No. 52-4]

IN THE MATTER OF DAVID C. PATTERSON, MAX J. MAUERMANN AND DAVID COPLAND, AS A COMMITTEE FOR HOLDERS OF FIRST AND REFUNDING MORTGAGE 6% BONDS, SERIES A, DUE DECEMBER 1, 1954, OF WEST OHIO GAS COMPANY

ORDER ADOPTING REPORT ON PLAN OF REORGANIZATION

The above-named Bondholders' Committee having filed an application for approval of and a report on a plan of reorganization of West Ohio Gas Company, a subsidiary of a registered holding company, pursuant to Sections 11 (f) and 11 (g) of the Public Utility Holding Company Act of 1935 (hereinafter referred to as the "Act") and Rules U-12E-3, U-12E-4 and U-12E-5 of the Commission; and

The Commission having by order made October 14, 1938,¹ approved said plan of reorganization pursuant to said Section 11 (f), subject, however, to certain terms and conditions which have been accepted by said Committee in writing filed with the Commission; and

The Commission having by order made November 15, 1938,² authorized an amendment, consisting of a revised balance sheet and revised pro forma balance sheet of West Ohio Gas Company, both as at June 30, 1938, to be filed and made a part of the record herein; and

Amendment No. 12 modifying the form of its first letter of solicitation having been filed by said Committee on December 30, 1938; and

The Commission having considered the record in this matter and having prepared its report on the plan pursuant to Section 11 (g) of the Act and Rule U-12E-4 of the Commission;

It is ordered, That said application under Section 11 (g) of the Act and Rules U-12E-3, U-12E-4 and U-12E-5 of the Commission be and it is hereby granted and that said report is hereby adopted by the Commission as its report under said Section 11 (g) of the Act and said Rule U-12E-4 of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-137; Filed, January 11, 1939; 10:53 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of January 1939.

[File No. 1-178]

IN THE MATTER OF WELLS, FARGO & COMPANY CAPITAL STOCK, \$1 PAR VALUE

ORDER POSTPONING HEARING

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to strike from listing and registration the Capital Stock, \$1 Par Value, of Wells, Fargo & Company; and

The Commission having ordered that a hearing be held in this matter on January 12, 1939, in Washington, D. C.; and

The issuer having requested a postponement of said hearing to which request said Exchange has agreed;

It is ordered, That said hearing be postponed until 10 A. M., on Friday, January 27, 1939, in Room 1103, 1778 Penn-

¹ 3 F. R. 2538 DL.
² 3 F. R. 2749 DL.

sylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as may be determined by the Commission or its officer presiding at said hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-138; Filed, January 11, 1939; 10:53 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of January, A. D. 1939.

[File No. 43-175]

IN THE MATTER OF NEW YORK AND RICHMOND GAS COMPANY

ORDER CHANGING DESIGNATION OF TRIAL EXAMINER

The Commission, by order issued on December 20, 1938,¹ having heretofore designated Willis E. Monty, an officer of the Commission, to take testimony at a hearing to be held in this matter on January 11, 1939, at 10:00 A. M., at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C.;

It is ordered, That in the place and stead of the said officer, Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing and is hereby authorized to exercise all the powers granted to the Commission under Section 18 (c) of the Public Utility Holding Company Act of 1935, and to a Trial Examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-139; Filed, January 11, 1939; 10:53 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of January, A. D. 1939.

[File No. 37-32]

IN THE MATTER OF PUBLIC UTILITY ENGINEERING AND SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 13 of the Public Utility Holding Company Act of 1935, having been duly filed with

¹ 3 F. R. 3117 DL.

this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on January 27, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers

of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors

or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 22, 1939.

The matter concerned herewith is in regard to an application for approval as a mutual service company for the Standard Gas and Electric System.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-136; Filed, January 11, 1939;
10:53 a. m.]